

# AUGUSTA




## HISTORICAL BULLETIN



VOLUME 44 2008







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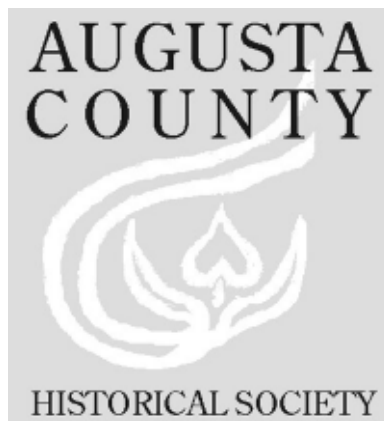


# Augusta Historical Bulletin

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## *Augusta Historical Bulletin*: Editorial Policy

The editors of the *Augusta Historical Bulletin* welcome submissions relating to any topic or period in the history of Augusta County, Virginia, and its wider environs. Submissions may take the form of articles, research notes, edited documents, or indexes to historical documents. Other formats might be acceptable, but prospective authors of such submissions are encouraged to consult with a member of the editorial board. With rare exceptions, the *Bulletin* does not publish manuscripts that focus exclusively on genealogical matters. Authors should strive to make their contributions accessible to a broad readership. In matters of form and style, authors should adhere to the guidelines and strictures set forth in the *Chicago Manual of Style*, 14<sup>th</sup> ed., or Kate L. Turabian, et al., *A Manual for Writers of Term Papers, Theses, and Dissertations*, 6<sup>th</sup> ed., both of which are widely available in libraries and bookstores. A style sheet, prepared by the editors of the *Bulletin*, is available upon request. Authors should submit four double-spaced copies of their manuscripts, with endnotes where applicable, and include photocopies of any illustrations. Upon acceptance of the manuscript for publication, authors must provide an electronic copy of it, as well as publishable-quality illustrations.

**Manuscripts or requests for style sheets should be sent to: The Augusta County Historical Society, Attention: Bulletin Editors, P.O. Box 686, Staunton, Virginia 24402-0686. Please try to submit proposed manuscripts by June 1, 2008. Queries may also be sent to: Nancy Sorrells (lotswife@comcast.net) or Katharine Brown (klbrown@cfw.com).**







# All Men are Created Equal:

## Thomas Jefferson and 'The Weaker Sex'

by Dr. Jon Kukla

*A recognized authority on seventeenth- and eighteenth-century American history, with special emphasis on Virginia and the South, Jon Kukla now lives and writes in Richmond, Virginia. Kukla directed the research and publishing program at the Library of Virginia from 1973 to 1990, where he also edited Virginia Cavalcade magazine for several years. From 1990 to 1998 he was chief curator and executive director of the Historic New Orleans Collection. He was Executive Director of Red Hill–The Patrick Henry National Memorial from 2000 to 2007. Kukla spoke at the Augusta County Historical Society's Annual Banquet, held at the Staunton Holiday Inn on April 22, 2008. The topic was taken from his book, Mr. Jefferson's Women, published by Alfred A. Knopf in October 2007.*

*Jefferson disliked stuffy people, stuffy houses, stuffy societies. So he changed a few things: Law Government. Gardening. Architecture.*

*Of the thousand castles, mansions, chateaux you can walk through today, only Monticello, only Jefferson's own mansion, makes you feel so comfortable you want to live in it.*

*J. Peterman Company*

Thomas Jefferson did wear simple and comfortable shirts like the one that inspired a clever advertising copywriter for the J. Peterman Company's retail catalogue. The claim that the style is "99% Thomas Jefferson, 1% J. Peterman," may stretch the truth. Simple muslin work shirts were as common among Jefferson's Virginia contemporaries as they were inside the great house at Monticello. Still, the rest of the copywriter's pitch rings true:

Jefferson was an inventor.  
He liked comfort.  
And he did change a few things.

In 1776 Jefferson's words declared American independence and encouraged a candid world to hope that all men were created equal. Ten years later his Statute for Religious Freedom summoned Virgin-



ians to insist that “Almighty God hath created the mind free.” He greatly refined a desktop device that duplicated his letters with a second pen as he wrote them, calculated the most efficient shape for the blade, or moldboard, of a plow, and modeled a new capitol for the commonwealth of Virginia. Beneath the floor of the entrance hall at

Monticello he devised a mechanism that opens both French doors simultaneously, in the valley below Monticello he established Virginia’s first secular university, and farther to the west his acquisition of Louisiana re-drew the political geography of the nation and the world.

Jefferson did change a few things. But there were others that he left alone. He contended that slavery was both a moral wrong and a political liability, but he lived comfortably on a southern plantation as the master of about two hundred slaves – content to hope that future generations might set things right for people of color. Comfort – whether in his mansion or in the muslin shirts that inspired J. Peterman – mattered to Thomas Jefferson. In his personal life, Jefferson was never entirely comfortable with strong or independent women. In politics his views were immovable. Jefferson did nothing whatsoever to improve the legal or social condition of women in American society, and he did everything he could to exclude them from public life.

Ten years ago (not long after DNA tests had confirmed a genetic relationship between Thomas Jefferson’s family and at least one of Sally Hemings’s children) the Southern Historical Association convened a panel of experts to discuss the new evidence. Their presentations were thoughtful, but what I found really interesting were the comments from the audience. One person expressed confidence



that “surely it was a loving relationship.” A few questions later someone else offered the rejoinder that “surely it was rape.” That same year at a conference in Charlottesville, Winthrop Jordan witnessed a similar and, as he described it, “occasionally heated discussion, which centered on such terms as rape, concubinage, and marriage.” Professor Jordan doubted “that anyone today will ever know enough about the emotional contents of the Hemings-Jefferson relationship to understand it thoroughly,” and he suggested that “such labels do little to help our understanding.”

Professor Jordan is probably correct about labels, but people do ask about the relationship. Andrew Burstein suggested a careful definition of *concubine* in his most recent book, but the term itself has come to mean too many things in various centuries and cultures. Drawing upon its Roman-law implication of social equality between partners in a common-law marriage, for example, contemporary French activists have advanced *concubine* as legal category for same-sex relationships. *Rape* has implications of violence and coercion that seem more applicable to the behavior of a sexual predator like Thomas Thistlewood of Jamaica than to an apparent single-partner physical relationship between Jefferson and Hemings. The Roman term *contubernales* is suitable, insofar as it refers to relationships between free persons and slaves – but when labeling reaches that level of pedantry, it simply confirms Professor Jordan’s point.

My reason for mentioning the audience at that SHA session, however, is to admit that my immediate reaction back in 1999 was somewhat different from Professor Jordan’s in Charlottesville. It struck me that we’d never get a perspective on what Professor Jordan called the “emotional contents of the Hemings-Jefferson relationship” unless we knew more about Jefferson’s interaction with other women in his life. Although I was busy with another subject, I was confident that when I got the chance I could satisfy my curiosity about Jefferson and women by consulting the reliable book that someone else surely had already written. Unfortunately, when I went looking for that book in Frank Shuffelton’s magnificent bibliography of nearly everything written about Jefferson since 1826 – it just wasn’t there. So now (as with the Louisiana Purchase) I’ve written another book for Knopf that I originally had only hoped to read.

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In his authorship of the Declaration of Independence, Thomas Jefferson surely had John Locke's concepts of the origin of government in mind when he wrote (in a shortened version of the Lockean formulation of the Virginia Declaration of Rights) that "all men are created equal." Of course, Jefferson's use of the word *men* did not necessarily invoke gender. The definition of man as a human being irrespective of sex or age went back to the Teutonic roots of our common language. Old English had other terms (*wer* and *wif*, *wæpman* and *wifman*) to distinguish the sexes. In the Lockean context of the Declaration of Independence, Jefferson might have employed the gender-neutral terminology of the Enlightenment (as exemplified in a 1752 essay by David Hume that described the universal traits found "in all men, male and female") and of the church, as in the biblical commentary from 1618 describing how "the Lord had [placed] but one paire of men in Paradise."

But especially when dealing with a writer of extraordinary skill, and with a skillful writer engaged in the drafting of text as important as the Declaration of Independence, it is fair to recognize that Thomas Jefferson did not *unthinkingly* embrace that ancient gender-neutral terminology of the term *men*. Skillful writers often exploit the ambiguities and nuances of language. Hidden in plain sight, Jefferson's text did *not* mean to say (as the women of the Seneca Falls Convention in 1848 *did* mean to say) "that all men and women are created equal." While all these truths may well be self-evident, when examined in the light of Jefferson's attitudes toward women and his relationships with half a dozen particular women, I was surprised by the intensity with which Thomas Jefferson did not mean to say that all men and women are created equal – an intensity fueled by personal experience and well as theoretical considerations.

In *Notes on the State of Virginia* (and elsewhere) Jefferson's choice of a synonym for *women* was "the weaker sex." Not the fair sex, or the distaff side, but "the weaker sex." A cliché perhaps, but I am struck by the intensity – for Jefferson was recurrently both attracted to strong women and uncomfortable about their strength — the intensity with which he yearned to convince himself that human females were indeed "the weaker sex." Because Nature had "marked infants and the weaker sex for the protection rather than the direction of government," Jefferson contended that the constitution of Virginia was justified in "refus-



ing to all but [male] freeholders any participation in the natural right of self-government." Jefferson was appalled, as Montesquieu and Rousseau had been, by the political influence exercised by women in the salons of Paris. "Our good ladies," he purred to Anne Willing Bingham of Philadelphia, "have been too wise to wrinkle their foreheads with politics." The women of Jefferson's republic were "contented to soothe and calm the minds of their husbands returning ruffled from political debate" because "they have the good sense to value domestic happiness above all other."

Jefferson's painted a stark contrast between monstrous Parisian women "hunting pleasure in the streets . . . and forgetting that they have left it behind them in their nurseries" and "our own countrywomen occupied in the tender and tranquil amusements of domestic life." The contrast, he told Anne Bingham, was "a comparison of Amazons and Angels." Four months before the storming of the Bastille Jefferson's tone was more jocular but his message no less censorious when he advised a male friend that revolutionary fervor among "all the handsome young women" of Paris constituted "an army more powerful in France than the 200,000 men of the king." The *salonnières* of Paris were a powerful army. French women in the streets of Paris were Amazons. American women, so long as they attended to their nurseries, their kitchens, and their husband's ruffled minds, were Angels. Is it not fascinating that Jefferson, writing from Paris in 1788, addressed this sermonette directly to the poised, intelligent, beautiful, and wealthy woman who, more than any other American at the seat of government in the 1790s, created and presided over Philadelphia's foremost salon – the Republican Court.

Perhaps the intensity of Jefferson's attitude toward women in public life began with his early experiences with Rebecca Burwell and Elizabeth Moore Walker. Commenting on this period in the first volume of his admiring biography, Dumas Malone lamented that Jefferson's letters "disclose a great deal which the mature man would not have relished. . . . Worst of all, they are full of references to girls." Nineteen-year-old Jefferson was utterly smitten with the charms of one Rebecca Burwell, three years his junior. Judging from the embarrassingly inept adolescent courtship documented in his letters, however, Jefferson loved the fair "Belinda" so much that he almost told her.

At twenty, when he had finally found the courage to propose



marriage to Rebecca at a holiday party in the Apollo Room of Williamsburg's Raleigh Tavern, seventeen-year-old Rebecca Burwell declined the offer and went on to marry another of Jefferson's classmates from William and Mary. Five years later his married neighbor Elizabeth Moore Walker became the object of Jefferson's lust during the extended absence of her husband Jack, Jefferson's boyhood friend and classmate, who accompanied his father Dr. Thomas Walker, Jefferson's former guardian. The Walker affair came to public notice during Jefferson's presidency and was the only accusation for which Jefferson offered a carefully worded admission: "I plead guilty to one of their charges," he wrote, "that when young and single I offered love to a handsome lady" – as though it had been a single lapse rather than a series of advances over several years. "I acknowledge its incorrectness," he continued. "It is the only one founded in truth among all their allegations against me."

In the aftermath of these two rejections Jefferson *did* copy many misogynistic passages from other writers into his notebooks. More notably, perhaps, Rebecca Burwell's rejection apparently triggered the earliest known episode of Jefferson's life-long bout with debilitating tension headaches. It also prompted one of the more mysterious passages in Jefferson's correspondence: "Many and great are the comforts of a single state," Jefferson observed to a friend, "for St. Paul only says that it is better to be married than to burn.". But, he continued, "if that apostle had known that providence would at an after day be so kind . . . as to furnish them with other means of extinguishing their fire than those of matrimony, he would have earnestly recommended them to their practice."

I was not alone in noticing that Rebecca Burwell was the only unmarried woman with whom Jefferson ventured toward a romantic relationship (one-sided as it may have been). "Intimate emotional engagement with women," historian Winthrop Jordan observed, "seemed to represent for [Jefferson] a gateway into a dangerous, potentially explosive world." In private life and in public policy, Jefferson was always more comfortable with married women than with their undomesticated sisters. Winthrop Jordan was not the first to notice that "throughout his life after the Burwell affair, Jefferson seemed capable of attachment only to married women." Jefferson's first biographer, who had the unique advantage of direct conversa-



tions with his family and contemporaries, hinted in the same direction. "Last [but] not least," William Randall wrote as he listed Martha Wayles Skelton's appealing qualities, "she had already proved herself a true daughter of the Old Dominion in the department of housewifery." Marriage, as Jefferson noted in one of his early commonplace books, "reverses the prerogative of sex." His misogyny betrayed a deep-seated fear of women as threats both to his own self-control and to the proper ordering of society. For Thomas Jefferson, as Winthrop Jordan perceptively observed, "female passion must and could only be controlled by marriage." This aspect of Jefferson's private temperament foreshadowed the stark attitudes toward women in public life that he articulated in France.

At the risk of gross exaggeration, Jefferson's intimate relationships with women present a curious pattern: After the *wife* of his neighbor and friend spurned repeated advances, Jefferson married Martha Wayles Skelton, a *widow*. After her death, it was Maria Hadfield Cosway, the talented and flirtatious *wife* of a fashionable London artist, who captured the widower's heart while visiting Paris, fractured it and his wrist at her departure, and then, upon her return to Paris, disappointed Jefferson by going on to other social conquests. Finally, there was Sally Hemings, the light-skinned slave (probably the half-sister of his late wife) who stands both as an exception and a confirmation of Professor Jordan's insight. Marriage was not the only available means to control the women in Jefferson's life or his society. Enslavement also sufficed.

Marriage, domesticity, and motherhood, in Jefferson's estimation, encompassed all the elements of a woman's destiny. "Sweetness of temper, affection to a husband, and attention to his interests," Jefferson wrote in an essay for his eldest daughter, Martha, "constitute the duties of a wife and form the basis of matrimonial felicity." To the extent that his sentiments were merely conventional they were not without merit as fatherly advice. The intensity of his language, however, betrayed more than a settled opinion about a wife's duty to preserve the harmony of a marriage at all costs. Jefferson exhibited a deep distrust of women's capacity to disrupt their homes and his world.

Lamenting that married women often employed "charms of beauty" and "brilliancy of wit . . . more for the attraction of every





body else than their husbands," Jefferson cautioned Martha that when she took a husband, "the pleasing of that one person [must] be a thought never absent from your conduct." There will be times, he warned, "where it will not be enough to love, to cherish, to obey: she must teach her husband to be at peace with himself, to be reconciled to the world, etc., etc." In Jefferson's patriarchal ideal, however, even a husband's failings lay ultimately at the wife's feet: She must not "allways look for their cause in the injustice of her lord," he wrote, because "they may proceed from many trifling errors in her own conduct." "Above all," he wrote, "let a wife beware of communicating to others any want of duty or tenderness, she may think she has perceived in her husband. This untwists, at once, those delicate cords, which preserve the unity of the marriage engagement. And its sacredness is broken forever, if third parties are made witnesses of its failings."

From his wife – and from all wives – Jefferson expected complete subordination to the husband. "Your new condition will call for [an] abundance of little sacrifices," he reminded his daughter Martha soon after her marriage, for "the happiness of your life depends now on continuing to please a single person." Martha's younger sister Mary also got a full Jeffersonian sermon in 1797 when she married John Wayles Eppes and settled with him at Eppington in southern Chesterfield County. As it happened, Jefferson's own sister Mary lived nearby with her alcoholic husband John Bolling, who was "happy only with his glass in his hand." Jefferson claimed that his sister's plight rather than his daughter's nuptials provoked his tendency to "sermonize" on the general subject of marriage – but his advice to her was no different than what he had told Martha seven years earlier: "Harmony in the married state is the very first object to be aimed at," and it was the wife's place to yield if necessary to preserve that harmony.

Jefferson's masculine prejudice is stark enough in light of his brother-in-law's alcoholism – it is all the more puzzling in light of his private admission to a French friend that he calculated "the chance that in marriage [his daughters] will draw a blockhead . . . at about fourteen to one." In Jefferson's world, even drunkards and blockheads were right to expect subordination from their wives.

The convergence of Jefferson's personal and political sentiments about marriage is clear in the wholesale revision of Virginia's legal



code that occupied Jefferson's attention from 1776 through 1779. Assisted in part by George Wythe and Edmund Pendleton, Jefferson's committee drafted legislation for elections, the state judiciary, and the elimination of primogeniture and entail. Their reform package – in all some 126 bills touching everything from religious liberty and education to the prevention of smallpox and the regulation of ferries, roads, and taverns – fills 336 pages of Julian Boyd's edition of *The Papers of Thomas Jefferson*. Bill 27 protected the traditional dower rights of widows. And Bill 21 guaranteed every sound-minded adult who was "not a married woman" the right to execute a last will and testament. Except when mentioned as wives or widows, women were utterly invisible in Jefferson's reform of Virginia's laws and institutions. Bill 79 of Jefferson's revisal outlined a statewide system of education for boys that eventually led to the creation of the University of Virginia, which remained an all-male undergraduate school until 1970. "A plan of female education," Jefferson later wrote, "was 'never a subject of my systematic contemplation.' The education of females, he said, 'occupied my attention only as the education of my own daughters occasionally required.'"

Jefferson's indifference to female education set him apart from more progressive Enlightenment contemporaries. Jefferson's friend the Marquis de Condorcet strongly argued that their shared political assumptions required the expansion of women's political and legal rights. And Condorcet was not alone. The great Immanuel Kant's *Answer to the Question: What Is Enlightenment?* spoke explicitly on behalf of men and women. "Enlightenment," Kant's first sentence reads, "is man's exit from his self-incurred minority" (which Kant defined as "the capacity to use one's intelligence without the guidance of another.") Unlike Jefferson in the Declaration of Independence, however, Kant addressed both sexes when he castigated the enemies of Enlightenment, who "see to it that the largest part of mankind, *including the entire 'fair sex,'* should consider the step into maturity, not only as difficult but as very dangerous."

Eight years later, Kant's Konigsburg neighbor and friend Theodor Gottlieb von Hippel explicated the implications of Kant's comments in a lengthy treatise *On Improving the Status of Women* published in Berlin in 1792 – the same year that Mary Wollstonecraft's *A Vindication of the Rights of Woman* appeared in Paris, London, Dublin, and



Boston. My object here is simply to suggest that unlike some of his contemporaries, Jefferson utterly rejected the opinion, which other equally bright thinkers embraced, that the progressive ideals of the age of reason and of revolution extended to women. Jefferson embraced public education for young men as essential to the future of the republic. He was equally resolute in his conviction that young women needed training in arts and virtues of domesticity and motherhood. Here again, private temperament and political theory fell into a tidy alignment.

Jefferson penned his most candid statement about women in public life in a brief and somewhat cryptic note written in the last year of his presidency to Treasury Secretary Albert Gallatin.

The appointment of a woman to office is an innovation for which the public is not prepared, nor am I.

Although the president and his Treasury secretary regularly exchanged short notes in the course of doing business, the equivalent of today's inter-office email messages, nothing in their exchanges in the six weeks prior to this January 13, 1807, note offers any context for Jefferson's blunt statement. Perhaps he was responding to a conversation with Gallatin (possibly about the difficulty of finding suitable appointees for the Louisiana Territory), perhaps to something in the newspapers, or perhaps even to a comment from the Treasury secretary's well-connected and politically astute partner, Nicholson Gallatin. The best clue that Jefferson's own files offer is a letter and printed prospectus from the Philadelphia educator Maria Rivardi, dated a week earlier, seeking the president's endorsement of her seminary for young ladies.

Jefferson's definition of America's polity – a white male polity – had a relentless logic, and an intensity rooted in his personal discomfort with women and blacks. He dismissed "the weaker sex" from any role in public life except as republican mothers: "By mental or physical disqualifications," he believed, nature had "marked infants and the weaker sex for the protection, rather than the direction of government." Jefferson applied the same logic to African-Americans, who were "as incapable as children of taking care of themselves." Jefferson lumped infants, women, and slaves together and excluded them from any participation in government because they had no "rights of will and of



property.” — everyday realities that Jefferson’s sometimes revolutionary revision of the Virginia legal code did nothing whatsoever to change. Throughout his career, while others might dream of ways to educate and empower women and blacks, Jefferson was content with a world in which all white men were created equal. In fact, however, Jefferson was more than content with that patriarchal world. Its social assumptions were philosophically critical in ways that seem to have eluded both male scholars of political thought and some long familiar canons of early American women’s history.

Once again, it is important to recognize that Jefferson uses language with extraordinary skill and intelligence, even in that cryptic note describing “the appointment of a woman to office [a]s an *innovation*. . . .” Except in the context of science, Jefferson’s vocabulary associated *innovation* with risk – he wrote of “dangerous innovations” in 1777 and 1801, of “perilous innovation” in his Second Inaugural, and of “rash and ruinous innovations” in 1816. In the context of his attitudes toward women in person and in politics, Jefferson’s use of the word *innovation* points us toward something larger than patronage appointments or the novelty of female office-holding. In practice and in theory, women in political life threatened nothing less than the Lockean undergirding of the nation’s republican polity.

For the past four centuries (from Hobbes and Locke and into the present) the legitimacy of the modern liberal democratic state has rested on the premise that “individuals must themselves consent, contract, agree, choose, or promise to enter” into relationships that create “political obligation and political authority.” But through those same centuries, the great modern project of supplanting absolute monarchy with forms of government based on consent has repeatedly stumbled over the place, the role, and the nature of women. In theory, insofar as families were regarded as the fundamental units of social order, women disappeared from consent-based political theory as completely as they did from English common law under doctrine of coverture – and for basically the same reason: “by marriage, the husband and wife are one person in law; [and] . . . the very being or legal existence of the woman is suspended.” Thinkers such as Locke and Kant might expressly include women within a universal definition of humanity and then silently consign them to domestic subordination in the hypothetical progress of humanity from the state of





nature, through the organization of families, to the creation of social compact. Other thinkers like Rousseau (and arguably, Jefferson) simply excluded women at the outset. Moreover, practice followed theory in the age of revolution. At the beginnings of their respective revolutions, significant numbers of American and French women pressed for recognition as participants in political life – and in both places by 1795 their assertive and innovative claims were suppressed. Instead, both revolutions fastened upon the ideas of republican motherhood and separate spheres as the conciliatory faces of counter-revolutionary misogyny and patriarchy.

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From the perspective of the twenty-first century, Americans have often embraced Thomas Jefferson's eloquent expressions of universal precepts while demurring from Jefferson's unspoken assumption that membership in the American polity was the exclusive province of white males. Americans remain gratefully indebted to Thomas Jefferson's mind and his pen for noble words and high ideals that echo through our subsequent history – as at Seneca Falls in 1848.

When we look more closely at his own personal and political interaction with women, however, there is much that seems startling these two centuries hence. Jefferson's complacency about the fourteen to one odds that his daughters' lives would be controlled by blockheads shocked me. The instances of his consistently self-centered conduct toward women variously saddened or appalled me. And Jefferson's inability to imagine a better world for his daughters – in theory or practice – disappointed me. Ever grateful for the mechanisms of government and justice that the Founders set in motion, we citizens of the twenty-first century have it within our power to transcend the antique limitations of Thomas Jefferson's age, or his heart, or his imagination. Against the dangers that threaten our sisters and daughters, in this country and throughout the world, Jefferson's eloquent words enjoining us to swear "upon the altar of God eternal hostility against every form of tyranny over the mind of man," invite our equally steadfast opposition to every form of oppression toward the bodies or minds of women.

Not surprisingly, *Mr. Jefferson's Women* aroused a few controversies when it was published in October 2007. Hundreds of books and articles had been written about Thomas Jefferson's extraordinary life,



genius, and achievements. With few exceptions, however, because so little was known about the women who figured in Jefferson's life, *Mr. Jefferson's Women* became a pioneering inquiry addressing two basic questions: What kinds of relationships did Thomas Jefferson have with women? And, more generally, how did the American Revolution affect the situation of women in society and politics?

As to the first question, my research cast fresh light upon things we thought we knew about Rebecca Burwell, Elizabeth Walker, Martha Jefferson, Maria Cosway, and Sally Hemings. Readers have often expressed appreciation for the care with which I tried to show both sides of these relationships, but the primary-source evidence sometimes led me to surprising, troubling, or controversial conclusions. An angry email message sent after the book was mentioned in the press wondered whether I wrote about Sally Hemings because I was "ignorant or just a pathological liar." More interesting and less predictable reactions came from well-informed scholars dismayed by the loss of a favorite story (such as the highly romantic version of the Maria Cosway flirtation) or skeptical about the loss of a cherished assumption. "Do you find Jefferson any more sexist than any other of the founders?" a distinguished historian asked. We need to know more about the others, but the answer is probably "Yes" – especially after Jefferson's experience in France. Clearly *Mr. Jefferson's Women* does contradict the hopeful scholar who assumed that an "enlightened view of women's abilities" prompted Jefferson "to extend his democratic ideology to embrace women."

How did the American Revolution affect the situation of women in society and politics? About a century ago historians began debating the extent to which Americans fought the Revolution was fought for "Home Rule" (against the British) or, in Carl Becker's famous phrase, "Who should rule at home." We have long recognized that a "Contagion of Liberty" carried revolutionary ideas beyond the narrow realm of constitutional politics. Not until recent decades (especially when the study of women's history coincided with the bicentennial of Independence) have scholars begun to ask whether the American Revolution raised the question of "Who shall rule within the home?" The closing two chapters of *Mr. Jefferson's Women* sketch Jefferson's actions and attitudes in the context of the Age of Revolution. Some men of the Enlightenment were more sympathetic toward the situation of women – Benjamin Rush



and the Marquis de Condorcet were notable among them. Appalled by some of the things he witnessed in France, Jefferson jealously guarded American achievements of political and religious liberty against real and perceived threats, including what he regarded as the dangerous influence of women.

Rosemarie Zagarri's important *Revolutionary Backlash: Women and Politics in the Early American Republic*, published months after *Mr. Jefferson's Women*, now offers a larger context for my closing chapters about Jefferson. In time, Americans embraced both "republican motherhood" and the antebellum "cult of domesticity." The deflection of female aspirations for education, property reform, and civic participation in Jeffersonian America gently echo the Jacobins rigorous suppression of French women and their political activities at the beginning of the Reign of Terror.

On a much lighter note, *Mr. Jefferson's Women* opened with a tribute to Jefferson's multifaceted genius by way of a playful description of Mr. Peterman's Shirt. As this paperback goes to press, recent catalogues now supplement that original item with a new one: "The J. Peterman Shirt for Women. (49% customer insistence, 48% Thos. Jefferson, 3% Peterman.)"



# 'The Great Unappreciated Man' A Survey of the Life and Times of Alexander Hugh Holmes Stuart

by Scott H. Harris

*Editor's Note: This article was presented before the Augusta County Historical Society on 2 October 2008. The paper is drawn from the author's master's thesis.*

It is a distinct pleasure for me to be addressing the Augusta County Historical Society this evening. The last time I did so was way back in the twentieth century (1981 to be exact), when I discussed the Stonewall Brigade Band. I am particularly happy to be taking part in the Society's Alexander H. H. Stuart lecture series. I have spent a lot of time getting to know Mr. Stuart over the years, and I hope to share some of what I have learned this evening.

In reviewing a biography of Alexander H. H. Stuart, the historian Hamilton J. Eckenrode referred to him as "the great unappreciated man of Virginia history."<sup>1</sup> Stuart's life and political career spanned the years during which the United States grew into a great nation. He lived during the administrations of twenty-one Presidents, from Jefferson to Benjamin Harrison. At his birth in 1807, there were fifteen states in the Union; by his death in 1891, there were forty-four. During his lifetime the nation wrestled with the question of slavery, subdued the native Indians, and fought wars with Great Britain, Mexico, and itself.

In fifty years of public service, Stuart participated in the political process as a state legislator, congressman, cabinet secretary, and as an influential member of some of the most prominent political movements of the nineteenth century. His contemporaries included Henry Clay and Daniel Webster, leading lights of the Whig party who helped define his political identity; Millard Fillmore, whom Stuart served as Secretary of the Interior; Henry A. Wise, his fre-





*Alexander Hugh Holmes Stuart*

quent opponent in the arena of Virginia politics; Robert E. Lee, for whom Stuart authored the politically significant "White Sulphur Springs" letter during Reconstruction; and Robert M. T. Hunter and William Mahone, men of different backgrounds and political persuasions with whom Stuart was alternately allied or at odds through the years.

Alexander H. H. Stuart belongs to that group of men who stand on the periphery of history—men who have wielded great influence on people and events, but whose accomplishments often go

largely unnoticed or unremembered. My goal this evening is to discuss Stuart as a politician who drew his inspiration and strength from the doctrines of the Whig Party. Throughout his years in public life, Stuart addressed political issues facing Virginia and the nation as a Whig, regardless of the name of the party with which he affiliated himself. Daniel Walker Howe has written of the "political culture" of American Whiggery, demonstrating that it embodied a moral and intellectual philosophy in concert with political thought. The influence of this Whig culture is evident in the career of Alexander H. H. Stuart.

He was born in Staunton on April 2, 1807, the youngest child of Archibald and Eleanor Briscoe Stuart.<sup>2</sup> The Stuarts were one of the Queen City's most distinguished families, having lived in the Au-



gusta County area since the 1730s. One of their closest friends was Thomas Jefferson, a frequent houseguest. The design of the house has traditionally been attributed to him, and one chamber has carried the sobriquet of the “Jefferson Room” for generations. Within this home, the youth called “Sandy” by family and friends absorbed concepts of pride in his origins and community service that remained essential features of his character for the rest of his life.

Judge Archibald Stuart was a familiar figure in the social and political circles of Virginia long before his son followed the same destiny. A veteran of the Revolution and one of the founders of Phi Beta Kappa at the College of William and Mary, he served in both houses of the General Assembly, and was a delegate to Virginia’s ratifying convention of the U.S. Constitution. The elder Stuart had a profound influence on his son. It was a sketch of his father’s life that Alexander was working on when he died in 1891 at the age of eighty-four.

After receiving his initial education at the Staunton Academy, young Sandy Stuart traveled to his father’s alma mater, William and Mary, to further his studies. He read law at home for a year, and in 1827 entered the University of Virginia (unfortunately one year too late to enjoy the hospitality of the old family friend who had lived at Monticello). In 1828 Stuart was admitted to the Staunton bar, and began his practice in the place he would forever call home.

Pleading cases before the general district court necessitated frequent travel throughout western Virginia, including much of what is now the eastern portion of West Virginia. During these journeys, often lasting several weeks, Stuart formed personal and business contacts among the leading lawyers and politicians of his region, laying the foundation for a lifelong interest in the process of government within the Commonwealth. Stuart’s early legal career was not unlike that of a certain Illinois lawyer two years his junior, Abraham Lincoln, though Lincoln rode the circuit about a decade later. Long absences from home became more trying after 1833, when Stuart married his distant cousin Frances Baldwin. The union lasted more than fifty years and produced nine children. Stuart would outlive six of them, and despite many professional accomplishments, this personal tragedy was a burden he carried to his own grave.<sup>3</sup>

As the heir to a family tradition of community service, it was natural that Stuart would become active in politics at an early age.



*Stuart House today - the ell to the left in this picture was constructed by Stuart while he lived at the house.*

An avid supporter of Henry Clay, the young lawyer helped organize meetings of men around Staunton and Augusta County in 1832 to aid the Kentuckian in his bid for the presidency. Later that year he went to Washington, D.C. as a delegate to the Young Men's National Convention, another gathering of Clay boosters. Among the other Virginians attending the conference was a young army officer who was the same age as Stuart—Robert E. Lee. In 1835 Stuart made the transition from involved voter to elected official, winning a seat in the House of Delegates. He ran as a Whig, fully embracing the party's message of economic progress and sectional conciliation. Stuart and the Whigs came upon the American political scene at virtually the same moment. The relationship between the two, forged in the hopeful vigor of youth, endured long after the party's demise.

While an assortment of interests and objectives motivated the men who united to form this new party, certain philosophical constants emerged which serve to define the "typical Whig." A Whig believed in the need for order and harmony in society. He acknowledged the necessity of popular sovereignty in government, but



asserted the socially conservative doctrine that men of means and good family should hold the reins of power. Politically, the Whigs favored a curb on the powers of the executive, while advocating a strong Congress as the agent of federal direction. This manifested itself in a particularly emphatic defense of the independence of the Senate. "Slow and deliberate in its proceedings, the Senate was assigned by the Whigs the function of checking the rashness of public opinion, to which the popularly-elected House was more directly responsive." The statesman, rather than the politician, embodied the Whig concept of leadership.<sup>4</sup> In economic issues, Whigs rallied to Henry Clay's "American System," using it as the foundation of all subsequent policies. A system of internal improvements, supported by the federal government, would provide vital commercial exchange and communication. High tariffs would protect American industry, and the resulting industrial population would be sustained by the nation's farmers. Thus support for business, banking, and other commercial interests also identified the Whig.<sup>5</sup>

During Stuart's three years in the House of Delegates he championed the expansion of internal improvements in western Virginia, and became chairman of the Committee on Roads and Internal Navigation in 1838. As a Shenandoah Valley legislator, he argued for the construction of railroads, canals, and improved turnpikes in order to bring agricultural and mineral resources of the region to the eastern port cities. Despite the advantage of a Whig majority in the General Assembly from 1836 to 1838, and the presence of another Whig, Littleton Waller Tazewell, in the governor's mansion, few of Stuart's proposals for economic development in the mountain/valley region were adopted. The friction between East and West, and between Democrats and Whigs, hampered efforts at sectional cooperation in Virginia. Perhaps it was disillusionment over this situation that caused Stuart to leave the legislature to return to the practice of law. It was certainly true that the demands of office put a considerable financial strain on his family at this time.<sup>6</sup>

Stuart was not long absent from the front line of politics. In 1841, he was elected to Congress following a very gentlemanly race in which he waited a month to begin campaigning until his Democratic opponent, James McDowell of Rockbridge County, returned from a trip to Mississippi. Despite the desires of Stuart and other Whigs in Con-



gress to carry out their economic agenda, the issue of slavery overshadowed other concerns. The House of Representatives had since 1836 operated under a “gag rule” that prohibited introduction of any resolutions pertaining to the containment or abolition of slavery. In his maiden House speech, Stuart proposed that the rules of the previous session be adopted for organizational purposes, while a select committee be appointed to review changes. The motion was adopted on a strict party-line vote, 199 to 103.<sup>7</sup>

While many Whig newspapers applauded Stuart’s statesman-like accomplishment (one called it “firm and yet moderate, dignified and yet conciliatory”), the seemingly trans-sectional strength of the national parties reflected in the vote was actually eroding. As a southern Whig, Stuart was hampered by the growing discord within his party. His adherence to orthodox Whig doctrine did not conflict with the needs of the people he represented, since his calls for internal improvements and like measures won him the approval of his western Virginia constituents. Likewise, his arguments in favor of national harmony were well received in an Upper South state where support for the Union was strong. The essential problem a Whig like Stuart faced was the same one that later caused Georgia’s Alexander Stephens to leave the party—the conflict between the antislavery tendencies of the party’s northern wing and the proslavery stance of the South.<sup>8</sup>

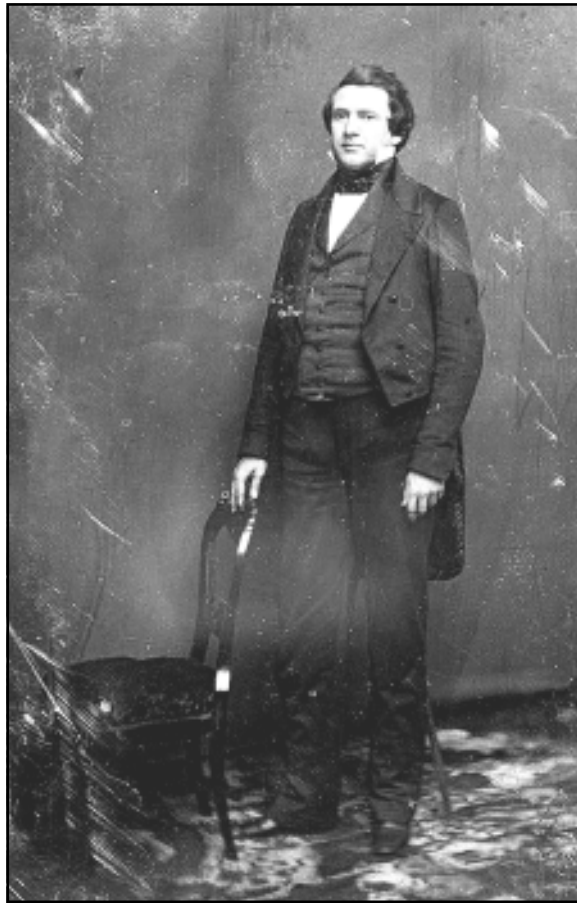
Despite compromise efforts undertaken in the House and Senate, the question of slavery (more specifically, the potential expansion of slavery) polarized the national debate. The two-party system that had sustained Whigs and Democrats in all regions of the country evolved into one divided along sectional lines. In the North, Whig Party policy was governed by devotion to Clay’s American System, and by a desire for order in society and belief in the need for reform. To northern Whigs, slavery threatened their harmonious vision by abridging the rights of basic human dignity and freedom. Their colleagues in the South also embraced the American System, but also saw slavery as an economic and social system that was vital to maintenance of the same order that northerners desired. Unable to resolve these differences, the Whig Party disintegrated. Many former northern Whigs would align themselves with the emerging Republican Party. Southern Whigs like Stuart, who could not countenance joining the Democrats,





would be forced to find other frameworks for political expression.

Alexander H. H. Stuart's congressional career proved rather brief. Just a year after being elected, financial necessity forced his return to the practice of law. He continued thus until a September night in 1850. A messenger arriving at midnight brought a letter from Secretary of State Daniel Webster, inviting Stuart to become Secretary of the Interior in the administration of Millard Fillmore. The next two years were busy ones for Stuart, as he worked to organize



*Alexander Hugh Holmes Stuart*

what was then the newest cabinet-level department in the federal government.<sup>9</sup> Stuart's tenure as interior secretary ended after Winfield Scott, the Whig chosen instead of Fillmore as the party's presidential candidate, lost to Democrat Franklin Pierce in the election of 1852. Returning to his law practice, Stuart now sought to find a voice for his Whiggish philosophy by joining one of the most unusual movements in American political history. Its members, including the new one from Augusta County, called themselves the American Party. The group is better remembered by the name derived from its secretive practices—the Know-Nothings.

While slavery came to dominate American politics in the 1850s, it was not the only "hot button" issue (to use a modern phrase). Ethno-cultural factors also aroused passions that resulted in political action. The meteoric rise of the American, or Know-Nothing, Party



in the decade before the outbreak of war was the result both of social conflicts that had been years in the making, and efforts to divert national attention away from the divisive slavery issue in favor of a unifying crusade against the perceived dangers of rampant foreign immigration.<sup>10</sup> To many Whigs who realized their party could not survive the sectional divisions over slavery, the Know-Nothing movement represented a chance to advance their policies by other means. Alexander H. H. Stuart became one of the American Party's most prominent organizers during this formative period. Stuart's "conversion" to the party may be seen as the natural consequence of his devotion to the principles that had governed his career as a Whig. Being a life-long member of the party that had championed internal improvements, business interests, and preservation of the Union, he saw in the American Party a hope of continuing his advocacy of these causes, as did many of his politically-adrift colleagues. He also saw the party as the best hope of achieving a sectional compromise that would avert separation and war.

Former President Fillmore, who would run as the party's candidate in the election of 1856, urged his colleague and former cabinet officer Stuart to join the movement and exercise a moderating influence. Writing in 1855, he characterized the Know-Nothings as "the only hope of forming a truly national party, which shall ignore this constant and distracting agitation of slavery."<sup>11</sup> Stuart, when writing later to describe Fillmore's association with the group, surely reflected his own sentiments on joining: "his opposition to the Democracy was a matter of principle, not of expediency. Knowing that the only available power to stay the torrent which threatened to overwhelm the country was the American Party, he sought to aid it in the fulfillment of its great mission of Peace."<sup>12</sup>

The 1856 presidential election pitted the Know-Nothings against the Democrats and the newest faction to emerge in American politics, the Republicans. The Know-Nothings and Republicans split most of the old Whig vote, with the former strongest in the south and the latter almost entirely confined to the north. This allowed the Democrats, still holding on to a vestige of national appeal, to put James Buchanan in the White House. In Virginia, Alexander H. H. Stuart and Governor Henry A. Wise authored an exchange of hostile letters in the pages of the two main Richmond newspapers, the *Whig* and



the *Enquirer*. Against Stuart's exhaustive, legalistic presentation of the American Party as a reasonable and responsible organization, Governor Wise employed an impressive arsenal of invective and scorn that was aimed at the Know-Nothings generally and Stuart specifically. Decorum prevents me from sharing some of these comments, which Wise's own biographer, Craig Simpson, has called "one of the most vulgar and demagogic statements to appear in print during the 1850s."<sup>13</sup> Stuart's letters in the *Whig*, written under the pseudonym "Madison," constitute one of the most cogent justifications for the American Party platform ever printed. His efforts went for naught as the Democrats in 1856 won by a larger margin of victory over the Know-Nothings than during the gubernatorial race the previous year. No Republican votes were recorded in Virginia in either election.<sup>14</sup>

The failure of the Know-Nothing Party to crystallize in the Commonwealth did not keep Stuart from running under the party's banner in 1857, when he won election to the Senate of Virginia. Despite his desire to focus on latent Whig initiatives, the escalating slavery controversy took center stage. When John Brown attempted to seize the U.S. arsenal at Harper's Ferry on October 15, 1859, a hastily-assembled contingent of United States Marines under the command of Col. Robert E. Lee stormed the fire station where Brown and his followers were barricaded. Taking part in the assault was army Lt. J. E. B. Stuart, the future Confederate cavalry commander who was Alexander H. H. Stuart's cousin.<sup>15</sup>

Senator Stuart was appointed chairman of a joint House-Senate General Assembly committee to investigate the incident. Its report condemned the raid as the result of northern abolitionist agitation, and recommended three main responses: strengthening local militia units; encouraging Virginia's domestic manufacturing; and striving for the Commonwealth's commercial independence from the North. Stuart must have noted with grim irony that the essentially Whig economic elements of his committee's report finally found wide acceptance in Virginia only as a means to put further distance between North and South.<sup>16</sup>

As the presidential election of 1860 approached, Stuart and other moderates, including many southern Whigs, sought to put together a political movement that would again try to reach some form of accommodation on the slavery question to prevent disunion. He sup-



ported the Constitutional Union Party and its candidate, John Bell of Tennessee. Writing to an associate in 1856, Stuart had presciently summarized much of what the election of 1860 would look like:

The democratic party . . . has assumed the position of a slavery-extension party, & the black Republican Party . . . pledges to opposite principles of slavery-limitation. The necessary result of this array of adverse factions is to present the northern & Southern states in an attitude of irreconcilable antagonism & to cause the election to turn on the single issue of slavery. In such an unequal contest as this, it requires no spirit of prophesy to foretell which faction would be the victor . . . The dissolution of the union must inevitably follow, with a train of disastrous consequences which no pen can describe & no imagination conceive . . . But fortunately there is a third party which has unfurled the flag of the Constitution & the union & appeals to the patriotic & conservative sentiment of the country.<sup>17</sup>

By 1860, the hopeful optimism of Stuart and other Constitutional Unionists was not enough to prevail. In the four-way presidential race, neither Bell nor either of the Democrats (Stephen A. Douglas of the North and John C. Breckinridge of the South) could overcome the northern dominance of Abraham Lincoln and the Republican Party. Lincoln's election caused the secession of seven southern states by the first of February, 1861. During January, the Virginia General Assembly voted to call a convention to discuss the Commonwealth's future actions in the crisis.<sup>18</sup> On April 17, 1861, after several weeks of spirited debate, the Virginia Secession Convention meeting in Richmond voted to take the Commonwealth out of the Union. Prior to the bombardment of Fort Sumter on April 12, the Convention had twice voted against secession. While many Virginians were supportive of those southern states that had seceded, a strong Unionist sentiment (particularly in the western counties beyond the Blue Ridge Mountains) held sway. Three convention members, representing various factions, attempted to broker a compromise with President Abraham Lincoln in Washington. Alexander H. H. Stuart represented the Unionist faction. George Wythe Randolph of Richmond and William Ballard Preston of Montgomery County represented the secessionist and moderate elements, respectively. By the time they saw Lincoln on April 13, Fort Sumter had already fallen. It was Lincoln's call in the wake of Fort Sumter for 75,000 volunteers to put down the rebellion that tipped the scales in the Virginia Convention.<sup>19</sup>



His mission a failure, Stuart returned to the Convention still determined to stop or delay Virginia's secession if he could. He predicted accurately that the action would immediately make the Commonwealth the principal battleground in the war, and would likely lead to the detachment of the western Virginia counties which had few slaves and were politically and economically estranged from the rest of the state. The convention adopted an ordinance of secession on April 17, 1861 by a vote of 88 to 55. All three Augusta County delegates (Stuart, Baldwin, and George Baylor) initially voted against secession. [Baylor switched his vote after adoption, while Baldwin and Stuart affixed their signatures after the measure was ratified in a statewide referendum on May 23.]<sup>20</sup>

Stuart held no public office in either the Virginia or Confederate governments during the Civil War. He was 54 years old in 1861, and had no prior military experience. He made public speeches in support of relief efforts for soldiers in the field, and corresponded with state officials (including Governor John Letcher) about rumors of troop movements and the economic situation in the Valley. His son, Alexander H. H. Stuart, Jr., who entered the Virginia Military Institute in 1863, fought with the Corps of Cadets at the Battle of New Market on May 15, 1864.<sup>21</sup>

The elder Stuart was given an unusual chance to serve the Confederacy as a secret agent of the government in Canada. In March, 1864, he received an invitation from Secretary of State Judah P. Benjamin to come to Richmond "on a matter of great public interest." Meeting with Benjamin and Confederate President Jefferson Davis, Stuart learned that he had been chosen as a "Commissioner of the Confederate States," with the mission of aiding what today would be called "fifth column" groups in the North, including the Knights of the Golden Circle. Stuart was to make his way via the Bahamas to Canada, where he would have a staff of operatives and sole authority over a London bank account containing three million pounds sterling. Stuart may have misjudged the political situation during the secession crisis, but by 1864 he saw things with greater sagacity. He felt that Secretary Benjamin "was laboring under a remarkable delusion as to the peace sentiment at the North, as well as about the probable efficiency of such a Commission as he proposed. I at once declined it."<sup>22</sup>

When the Civil War ended in April, 1865, much of Virginia lay



*Stuart House*

in ruins. Beneath her forests and fields lay thousands of Confederate and Union dead. Much of the Shenandoah Valley, once the “Breadbasket of the Confederacy,” was dotted with burned-out barns and fields. Local authorities, unable to access a state government then in exile, appealed to the commanders of Union troops for security. Stuart and “a half a dozen or more intelligent gentlemen of Staunton,” (including his brother-in-law John B. Baldwin), organized a mass meeting held on May 8, 1865. Stuart was called to the chair, and oversaw a discussion that asserted Virginians, in the wake of the Confederate defeat, were free to regain their rights as citizens of the United States, once they acknowledged the authority of the federal constitution. As pre-war Unionists who had not held office in the Confederacy, Stuart and his colleagues, most of whom, like him, former Whigs, expected





to play key roles in reestablishing Virginia's place in the Union. Perhaps now the long-sought-after ascendancy of Whiggery was nigh.<sup>23</sup>

Union victory meant that the "Restored Government of Virginia" that had met in Alexandria for much of the war was now free to assume control of the entire state. Governor Francis H. Pierpont, who owed his office to legislators from pro-Union counties that had not seceded, cherished the hope that the rest of Virginia's population would repudiate their pre-war leadership, heed the counsels of the North, and deal fairly with the recently-freed slaves—all of their own free will. He called for re-enfranchisement of former Confederates and influenced the decision of the Restored General Assembly to call for a statewide general election to select a new legislature and congressional delegation on October 12, 1865.<sup>24</sup>

Such optimism was short-lived. Although Stuart easily won election to the House of Representatives from the sixth district in the October election, two months later the Radical Republican control of congress, and domination of President Andrew Johnston, was demonstrated when Virginia's newly-elected senators and representatives, along with those of other former Confederate states, were denied their seats. By March 7, with the passage of the First Reconstruction Act, Virginia lost control of its government and became Military District Number One, governed by a Union Army General, John Schofield. Application for the restoration of statehood would require ratification of the Fourteenth Amendment abolishing slavery and new state constitutions drafted in biracial conventions.<sup>25</sup>

Pursuant to the Reconstruction Acts, a Virginia constitutional convention met for the first time in Richmond on December 3, 1867. In the president's chair sat Judge John. C. Underwood, whom historian Virginius Dabney has called "a vicious critic of all things Confederate." The two main forces represented were the Radical Republicans and a coalition of former Whigs, Know-Nothings, and some moderate Democrats known as Conservatives. One Conservative delegate, Joseph Waddell, writing in the Staunton *Spectator*, characterized the black delegates as "uneducated and ignorant," and viewed the white Radicals as "a motley crew, from the lowest ranks of the people." Alexander H. H. Stuart, who was not a convention delegate, had a similarly low view of the Radicals, calling them a "hideous majority" mainly composed of "ignorant and excited



negroes, led by greedy adventurers from the North.”<sup>26</sup> Decent scholarship has revealed a considerably different profile of the convention membership. The 38 Conservatives, all white, were generally wealthy professionals. The Radicals (thirty-seven white, twenty-three black), by contrast, were primarily farmers and tradesmen, and indeed did possess less political experience. However, the average African American delegate, a skilled laborer in his early forties, was not the destitute, illiterate political hack so often portrayed in traditional accounts of reconstruction.<sup>27</sup>

The “Underwood Constitution,” hammered out after four months of often bitter debate, was a triumph for the Radicals. Some of its features were genuine reforms, particularly the establishment of Virginia’s first free public school system—an unfulfilled goal of Thomas Jefferson’s. The document also called for the establishment of a township system to democratize local government in the Commonwealth, and for taxation according to wealth.<sup>28</sup>

Whatever support these reforms might have enjoyed under different conditions was largely negated by the overwhelming disapproval that greeted the two most “objectionable” clauses of the Underwood Constitution. One required all Virginia voters to swear a “test oath” that they had not taken part in the rebellion; the other banned all former Confederate soldiers, public officials, and known sympathizers from government offices. The voting population would thus be reduced to those few natives who could legitimately swear the oath, some out-of-state whites who had migrated to Virginia, and, of course, African Americans. Under these clauses, such men as former Governor John Letcher, General Robert E. Lee, Stuart’s brother-in-law John B. Baldwin, and even Stuart himself might be banned from voting and from elected office. In all, the test oath and disenfranchisement clauses had the potential to exclude thousands of voters and deny public office and jury service to ninety-five percent of the white male population in Virginia.<sup>29</sup>

Fear of such an outcome prompted the formation of the Virginia Conservative Party, and embroiled Alexander H. H. Stuart in a complex series of negotiations from 1867 to 1869, seeking a political compromise that would preserve white electoral rights and secure Virginia’s readmission to the Union. In this hectic two-year period, Stuart came into contact and conflict with an odd assortment of po-



litical personalities—former Whigs, moderate Republicans both “foreign and domestic,” (in Virginia terms); some of Stuart’s old Democratic foes; U.S. Army officers; newspapermen; and, ultimately, the President of the United States.

Included in this cast of characters were former Virginia governors Wyndham Robertson (a member of the Committee of Nine), William “Extra Billy” Smith, and Henry Wise. The last two were longtime Democratic opponents of Stuart’s. Also, William Mahone, the colorful ex-Confederate general who sought to harness the power of consolidated railroad ownership to further his political aspirations; General E. R. S. Canby, U. S. military commander of Virginia; Henry H. Wells, Canby’s appointee as governor of the Commonwealth, who desired to be elected in his own right; John Brown Baldwin, Stuart’s in-law and ally on the Committee of Nine; Robert E. Lee, already acquiring the mantle of legend and careful to limit the use of his name and influence; Gilbert C. Walker, the northern carpetbagger and Mahone ally whose election as Virginia governor in 1869 would be a direct result of Stuart’s efforts; and Horace Greeley, editor of the New York *Tribune*, who gave Stuart insight into sympathetic members of Congress and urged him to approach President-elect Ulysses S. Grant to secure his support.

One of Stuart’s more unusual roles in his quest for Virginia’s readmission was serving as a ghostwriter for Robert E. Lee. In August, 1868, the Confederate icon, already known for his encouragement of national reconciliation, was approached by former Union general William Rosecrans at the White Sulphur Springs resort. Rosecrans, one of the Democratic Party’s campaign managers, sought a statement from Lee to the effect that the South had accepted the verdict of the Civil War, and would deal justly with African Americans. Alexander H. H. Stuart prepared the draft that Lee signed. While ostensibly voicing the South’s good intentions, the letter reflected southern white paternalism and clearly stated that blacks “would inevitably become the victims of demagogues” if given the right to vote. This letter, while not overwhelming in its impact, nonetheless fit well into Stuart’s overall strategy.<sup>30</sup>

In response to the Underwood Constitution, Conservatives met in Richmond on December 31, 1868, to select a delegation that would negotiate with congressional leaders and seek support from promi-



nent northerners in and out of government. Stuart was chosen to lead the group. Accompanying him to Washington were his brother-in-law, John B. Baldwin; James F. Johnston of Bedford County; John L. Marye, Jr. of Fredericksburg; James Neeson of Richmond; W. L. Owen of Halifax; Wyndham Robertson of Washington County; John F. Slaughter of Lynchburg; and William T. Sutherlin of Danville. The number of members provided the name by which the delegation quickly became known—the Committee of Nine.<sup>31</sup>

The Committee was overwhelmingly Whig in composition and philosophy (Neeson was its only Democrat). Most of the members had previous political experience, with Stuart and Baldwin at the top of the list of former officeholders in state and federal government. Robertson served as a Whig in the House of Delegates and as governor of Virginia. Sutherlin, like Stuart and Baldwin, was a delegate to the 1861 secession convention. Marye and Owen were delegates to the Underwood constitutional convention (Owen, though a Republican, later joined with the Conservatives), and Marye was the Conservative Party's candidate for attorney general at the time he joined the Committee of Nine.<sup>32</sup>

Stuart and the Committee of Nine worked from December of 1868 to the Spring of 1869. Their back-channel negotiations with Grant resulted in a promise that separate votes could be cast for the Underwood Constitution and for selected clauses. Virginians went to the polls on July 6, 1869 amid little fanfare and virtually no violence. The constitution was approved, while the test oath and disenfranchisement clauses were overwhelmingly rejected. Gilbert C. Walker was elected governor, and Conservatives won majorities in the General Assembly and in congressional seats. On January 26, 1870, Virginia was formally readmitted to the Union.<sup>33</sup>

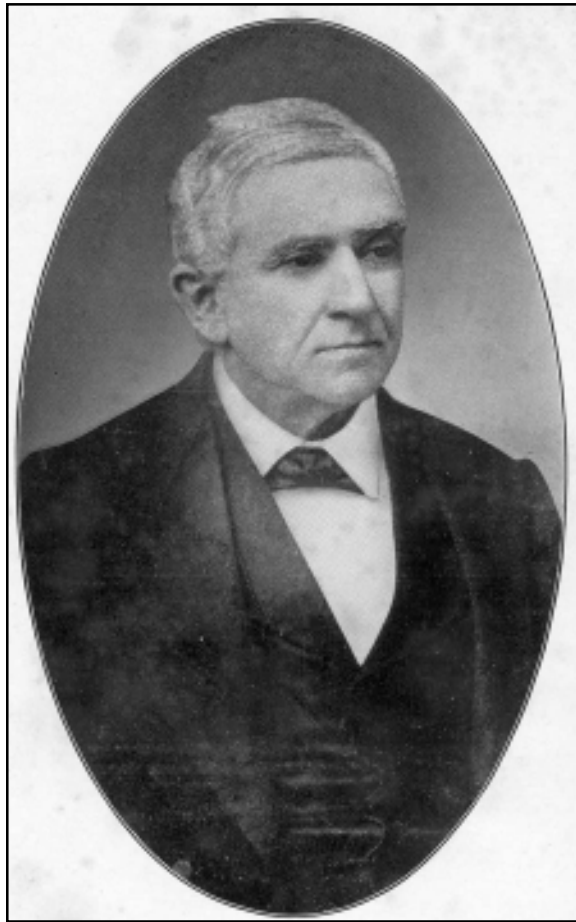
How do we assess the role played by Alexander H. H. Stuart and the Committee of Nine in this process? Scholarly assessments of Stuart's impact have ranged from effusive praise to undistinguished mention of his involvement. Historians writing in the early years of the twentieth century portrayed him as one of the most influential figures in the state during Reconstruction. In the 1970s, his role was characterized by historian Jack P. Maddex, Jr. as "greatly exaggerated." In my view, Stuart deserves credit for recognizing that compromise was the only recourse available to Virginia during this pe-



riod. His key role in founding the state's Conservative party reflected similar movements in other former Confederate states, and his pre-war status as a staunch Unionist gave him the credibility to deal effectively with northern leaders. By securing access to northern financial capital, Virginia was able to repair its wartime damage, and lay the foundations for commercial growth in the twentieth century. Politically, the Commonwealth would bring forth state and national leaders such as Claude Swanson, Harry F. Byrd, and Carter Glass, all of whom had western Virginia ties.<sup>34</sup>

After Reconstruction, Alexander H. H. Stuart never again attracted the wide public attention he had received as architect of the Conservative Movement and the Committee of Nine. He maintained an active law practice in Staunton, and was elected to the House of Delegates in 1873. He sided with the Funders, leaders who felt Virginia was honor-bound to fully repay its pre-Civil War public debt. Opposing forces who wished to scale down the debt and have some of it assumed by the state of West Virginia were known as Readjusters. The Readjuster movement became a full-fledged political machine, dominated by William Mahone and Woodstock delegate Harrison Holt Riddleberger. Stuart's influence in this debate was limited. With a new political leaders succeeding to power in Virginia, the old Whig brought his career in elected office to a close in 1877.<sup>35</sup>

Politics was not the only thing that occupied Stuart's time and energies in the last twenty years of his life. In 1871 he was elected to the board of the Peabody Education Fund. Founded by a wealthy northerner, George Peabody, the fund sought to promote "intellectual, moral, and industrial education among the young of the more destitute portion of the southern states of the Union." Ulysses S. Grant, Hamilton Fish, and William Cabell Rives were among the board members with whom Stuart served for eighteen years. Another of Stuart's longstanding educational commitments was that of visitor of the University of Virginia. Governor James Lawson Kemper first appointed him to the University's board in 1876, and he was elected Rector. Apart from a hiatus when Readjuster Governor William Cameron was in office, Stuart served as Rector until shortly before his death. One of his proudest achievements was securing a \$50,000 gift for the University of Virginia from another noted northern philanthropist, William W. Corcoran.<sup>36</sup>



Stuart in his later years

Stuart was eighty years old when he retired from public life in 1887. The next year he published a narrative of the Reconstruction period and the exploits of the Committee of Nine for the Virginia Historical Society, of which he was a past president. It's a little book with a big title: *A Narrative of the Leading Incidents of the Organization of the First Popular Movement in Virginia in 1865 to Re-establish Peaceful Relations Between the Northern and Southern States, and of the Subsequent Efforts of the "Committee of Nine," in 1869, to Secure the Restoration of Virginia to the Union.* Anxious to

see the volume in print, Stuart wrote to the society's sitting president to advise that time was of the essence. "As there are but four or five of the members of the Committee now living, it would be desirable that it appear before any more of us drop off."<sup>37</sup> The narrative was published in late 1888, and was generally well-received, although some of the principals in the story felt Stuart had exaggerated his role in Virginia's redemption.<sup>38</sup>

Stuart's wife of fifty-two years, Frances, died in 1887, adding to the personal heartache which the deaths of six of his nine children had visited upon him. He was repeatedly plagued by illness, though his mental capacity and the volume of his correspondence were undiminished. By 1890, most of his acquaintances, friends and enemies alike, were gone. Writing in June of that year to a former law clerk





whom he had befriended in his days as a circuit-riding lawyer, the frail old Whig reflected on how alone he felt:

Most of my contemporaries have passed away, and the circle of the associates of my early and active life has been sadly narrowed by death. I am now a stranger in the place of my nativity and my active career. Strange faces greet me at every turn.<sup>39</sup>

Stuart was at work on another project for the Virginia Historical Society, a biographical sketch of his father, when he was stricken with influenza. Death came within four days, on February 13, 1891. The U.S. Department of the Interior observed a thirty-day period of mourning, and testimonials were offered in his memory. Newspapers eulogized him by declaring his passing to signal the end of an era. What had in fact ended was the life of a truly remarkable Virginian.<sup>40</sup>

I would like to let Alexander Hugh Holmes Stuart have the last word:

There can be no nobler spectacle presented than that of an honorable man, standing as it were alone, breasting the storm of popular passion and prejudice. Let your rule through life be to do what you believe right, without regard to the clamor of the public; and after the passions of the hour have passed away you will enjoy the richest of all rewards—the confidence of your countrymen and the consciousness of duty faithfully performed.<sup>41</sup>

## Endnotes

<sup>1</sup> Hamilton J. Eckenrode, "Alexander H. H. Stuart," *William and Mary Quarterly* (Second Series), 6 (1929), 167.

<sup>2</sup> This and other details of Stuart's early life are taken from Alexander F. Robertson, *Alexander Hugh Holmes Stuart, 1807-1891: A Biography* (Richmond, Virginia, 1925), 1-35.

<sup>3</sup> Numerous references to the Stuarts' concern for the health of their children may be found in the Stuart Family Papers at the Virginia Historical Society.

<sup>4</sup> Glyndon G. Van Deuson, *The Jacksonian Era, 1828-1848* (New York, 1959), 96-97. The distinguishing characteristics of Whigs are examined in Chapter 1 of Thomas M. Brown, *Politics and Statesmanship: Essays on the American Whig Party* (New York, 1985); the quote about the Senate is from page 11. A cogent study of the socio-economic aspects of Whig doctrine is Daniel Walker Howe, *The Political Culture of the American Whigs* (Chicago, 1979).

<sup>5</sup> A good, brief summary of the American System is given in Van Deuson, 51. Brown describes Clay's formulation of the concept on pp. 123-126.

<sup>6</sup> Robertson, 21-24. See also Virginius Dabney, *Virginia: The New Dominion* (Garden City, 1971), 219.

<sup>7</sup> Robertson, 29. Robertson also notes that "Every vote in the affirmative was cast by a Whig, while every Democrat and fourteen Whigs voted in the negative, among the Whigs being [Henry A.] Wise and [Thomas Walker] Gilmer of Virginia and John [Quincy] Adams of Massachusetts." See also Thomas B. Alexander, *Sectional Stress and Party Strength: A Study*



of Roll-Call Voting Patterns in the United States House of Representatives, 1836-1860 (Nashville, 1967), 111-113, 160, 164, 168.

<sup>8</sup> Quotation from *Boston Atlas*, June 21, 1841, in Robertson, 30. See also Brown, 219; William J. Cooper, Jr., *The South and the Politics of Slavery, 1828-1856* (Baton Rouge, 1978), 82-83, 164-165, 222-223, 243, 355-358, 360-362. "I shall hold no connection with a party that did not disconnect itself from those aggressive abolitionist movements." (Alexander Stephens to John J. Crittenden, December 7, 1849, quoted in Cooper, 282.)

<sup>9</sup> *Staunton Vindicator*, April 16, 1885.

<sup>10</sup> See Michael F. Holt, *The Political Crisis of the 1850s* (New York, 1978); Joel Silbey, *The Partisan Imperative: The Dynamics of American Politics Before the Civil War* (New York, 1985); and Stephen E. Maizlish, "The meaning of Nativism and the Crisis of the Union: The Know-Nothing Movement in the Antebellum North," in Stephen E. Maizlish and John J. Kushma, eds., *Essays on American Antebellum Politics, 1840-1860* (Arlington, Texas, 1982), 166-198.

<sup>11</sup> Millard Fillmore to Alexander H. H. Stuart, January 15, 1855. Alexander H. H. Stuart Papers, University of Virginia.

<sup>12</sup> *Richmond Whig*, March 25, 1856.

<sup>13</sup> Craig M. Simpson, *A Good Southerner: The Life of Henry A. Wise of Virginia* (Chapel Hill, 1985), 122.

<sup>14</sup> The exchanges between Stuart and Wise played out in the pages of the *Richmond Whig and Enquirer* from March 10 to April 25, 1856. Stuart wrote 12 letters under the "Madison" pseudonym, most of which elicited some sort of comment either from Wise or from the *Enquirer's* editors.

<sup>15</sup> For an account of the life and death of John Brown, see Stephen B. Oates, *To Purge This Land With Blood: A Biography of John Brown* (New York, 1970). See also Simpson, Chapter 11.

<sup>16</sup> *Report of the Joint Committee of the General Assembly on the Harper's Ferry Outrage, January 26, 1860*, reprinted in full in Robertson, Appendix I, 383-405.

<sup>17</sup> Alexander H. H. Stuart to Rev. W. G. Brownlow, August 18, 1856. Papers of Alexander H. H. Stuart and the Related Stuart and Baldwin Families, 1776-1878, Accession #228-a, Special Collections Department, University of Virginia Library, Charlottesville, Virginia.

<sup>18</sup> The characteristics and proceedings of the convention are fully explored in Henry T. Shanks, *The Secession Movement in Virginia, 1847-1861* (Richmond, 1934). Information on the convention delegates, as well as statistical analysis of voting patterns, is provided in William H. Gaines, Jr., *Biographical Register of Members, Virginia State Convention of 1861, First Session* (Richmond, 1969), hereafter cited as Gaines.

<sup>19</sup> Robertson, 185-187; Shanks, 196-197. Shanks also discusses in detail the controversial April 4 meeting between Lincoln and Stuart's brother-in-law, John B. Baldwin, at which, it was later suggested, the President told Baldwin that he would order the evacuation of Fort Sumter if the Virginia Convention would adjourn *sine die*. Baldwin vigorously denied this. His version (given to the Joint Congressional Committee on Reconstruction in February, 1866) was that he (Baldwin) had advised Lincoln that evacuating the garrison would be seen as a sign of good faith by the South, but that the President declared this to be impossible. Whatever transpired, events were moving too quickly to prevent what actually happened within the next two weeks—the bombardment of Fort Sumter and its forced surrender. See Shanks, 192-195.

<sup>20</sup> Robertson, 195-201; Shanks, 159-160. Gaines records in his *Biographical Directory* how each delegate voted on both the April 4 and April 17 secession resolutions, and whether he changed his vote after the adoption of the ordinance or signed it later.

<sup>21</sup> See John Letcher to Stuart, May 14, 1862, Alexander H. H. Stuart Correspondence, Library of Congress. See also Robertson, 16-17. The role of Alexander H. H. Stuart, Jr. at the Battle of New Market is described in William Couper, *The VMI New Market Cadets: Biographical Sketches of All Members of the Virginia Military Institute Corps of Cadets Who Fought in the Battle of New Market, May 15, 1864* (Charlottesville, 1933), 197.

<sup>22</sup> Robertson, 205-208; John B. Baldwin to Stuart, January 21, 1864, and Judah P. Benjamin to Stuart, March 25, 1864, both reprinted in Robertson, 206-207.

<sup>23</sup> Marshall Moore Brice, *The Stonewall Brigade Band* (Verona, Virginia, 1967); Joseph A. Waddell, *Annals of Augusta County, 1726-1871*, 2<sup>nd</sup> ed. (Richmond, 1902), 507-509; Robertson, 221-222.



<sup>24</sup> Richard G. Lowe, "Francis Harrison Pierpont: Wartime Governor of Virginia and Father of West Virginia," in Edward Younger and James Tice Moore, eds., *The Governors of Virginia, 1860-1978* (Charlottesville, 1982), 39-40.

<sup>25</sup> Alan B. Bromberg, "The Virginia Congressional Elections of 1865: A Test of Southern Loyalty," *Virginia Magazine of History and Biography*, 84, Number 1 (1976), 80, 85, 90-91; Robertson, 250; Alexander H. H. Stuart, *A Narrative of the Leading Incidents of the Organization of the First Popular Movement in Virginia in 1865 to Reestablish Peaceful Relations Between the Northern and Southern States, and of the Subsequent Efforts of the "Committee of Nine," in 1869, to Secure the Restoration of Virginia to the Union*, 16; James Douglas Smith, *Virginia During Reconstruction: A Political, Economic, and Social Study* (Ph.D. Diss., University of Virginia, 1960), 17-22, 29-32.

<sup>26</sup> Dabney, 363; Waddell, 519-520; Stuart, 4-5.

<sup>27</sup> Richard L. Hume, "The Membership of the Virginia Constitutional Convention of 1867-1868: A Study of the Beginnings of Congressional Reconstruction in the Upper South," *Virginia Magazine of History and Biography*, 86, No. 4 (October, 1978), 470-477.

<sup>28</sup> Smith, 80-81, 93-96, 98-99.

<sup>29</sup> Stuart, 40.

<sup>30</sup> Stuart's involvement with the "White Sulphur Springs Letter" is discussed in Robertson, 260-265 and Douglas Southall Freeman, *R. E. Lee: A Biography*, vol. 4 (New York, 1935), 373-377.

<sup>31</sup> Stuart, 28.

<sup>32</sup> Information on the political backgrounds of the Committee of Nine was derived from Earl Gregg Swem and John H. Williams, *A Register of the General Assembly of Virginia, 1776-1918* (Richmond, 1918) and Gaines. Detailed data on the wealth, occupation, and slaveholding of members of the Committee of Nine are presented in Catherine S. Silverman, "Of Wealth, Virtue, and Intelligence:" *The Redeemers and Their Triumph in Virginia and North Carolina, 1865-1877* (Ph.D. diss., City University of New York, 1972), 146-148.

<sup>33</sup> This paragraph is a greatly condensed summary of events documented in greater detail by this author in his master's thesis. See Scott H. Harris, "The Great Unappreciated Man:" *A Political Profile of Alexander H. H. Stuart of Virginia* (M.A. thesis, College of William and Mary, 1988), 88-95.

<sup>34</sup> Eckenrode, 85; Jack P. Maddex, Jr., *The Virginia Conservatives, 1867-1869: A Study in Reconstruction Politics* (Chapel Hill, 1970), 67.

<sup>35</sup> Smith, 18-19; Robertson, 311-313, 319. The definitive study of the Funder-Readjuster controversy is Charles C. Pearson, *The Readjuster Movement in Virginia* (New Haven, 1917).

<sup>36</sup> Robertson, 292-304; William W. Corcoran to Stuart, November 8, 1876, Stuart Papers, University of Virginia. The gift "was dedicated to the schools of Moral Philosophy, and History and Literature, afterward named in honor of Mr. Corcoran" (Robertson, 307-308).

<sup>37</sup> Stuart to Robert Alonzo Brock, March 5, 1888, Alexander H. H. Stuart Papers, Virginia Historical Society.

<sup>38</sup> Frank Ruffin, a Readjuster opponent of Stuart's, belittled the latter's influence with Congress and President Grant (see Stuart to William Wirt Henry, February 27, 1888). Committee of Nine members John F. Slaughter and William T. Sutherlin declined to purchase advance copies of Stuart's narrative without the right of criticism before publication. See Slaughter to Henry and Sutherlin to Henry, both February 13, 1888. All letters cited are in Alexander H. H. Stuart Papers, Virginia Historical Society.

<sup>39</sup> Robertson, 362.

<sup>40</sup> Robertson, , 365-382.

<sup>41</sup> Alexander H. H. Stuart, *The Recent Revolution: Its Causes and Its Consequences, and the Duties and Responsibilities Which It Has Imposed on the People, and Especially the Young men, of the South* (Richmond, 1866), 30.



# History's Mysteries

by Charles Culbertson

*William Charles Culbertson is an author and expert on local history. He presented this paper at the spring meeting of the Augusta County Historical Society held Sunday, March 30, 2008, at Mt. Horeb Presbyterian Church in New Hope.*

As a longtime researcher and writer of local history, I am, of course, fond of uncovering and developing stories that have a traditional beginning, middle and ending. There's something intensely gratifying about being able to do that. But the stories I am most fond of, and which fascinate me more than most others, are those for which we have no satisfactory conclusions. I am endlessly attracted by and can spend vast amounts of time searching for the answers to question such as: What did Mary Julia Baldwin look like? Why is Staunton pronounced the way it is? Where is the grave of waiter John Snyder, shot down by a Confederate soldier in a saloon across from the Virginia Hotel? What happened to the register of the Washington Tavern? How could anyone have thought "urban renewal" demolitions were a good idea? And many others.

I'd like to share with you today two of our area's bigger historical mysteries. The first deals with a very famous local story, but contains a twist you might not be familiar with.

We all know the basic story. In June of 1781, the presence of British Gen. Banastre Tarleton's in the Charlottesville area sent the Virginia General Assembly fleeing for their lives. They came to Staunton, set up shop in Augusta Parish Church, now Trinity Episcopal, and conducted the business of a colony in rebellion.

We also know that on the night of June 10, the alarm reached Staunton that the British were coming. As it turns out, the alarm was false, but no one knew that at the time. All they knew was that Tarleton wasn't particularly famous for his kindness towards colonists in rebellion. I can just see the assemblymen calmly sitting down, agreeing to reconvene in Warm Springs, and then, once the gavel hit the table, scattering like they were fired from a cannon. It was, truly, every man for himself.



*This 1985 **Staunton Leader** photograph shows Mrs. Spencer Ware holding what some believe to have been Patrick Henry's missing boot. (Photo courtesy Charles Culbertson)*

Next morning," Joseph Waddell quoted 19<sup>th</sup> century journalist Anne Royall as saying, "the streets were strewn with bags, portmanteaus, bundles of clothes, and not a member was in sight. One member, a Dr. (Alexander) Long, rode 20 miles without a saddle."

But the assemblyman whose departure has created the most mirth was Patrick Henry. Legend has it that the famous patriot left Staunton so quickly that he rode out of town wearing only one boot.

And there lies the burning question that history has left us – one of history's great mysteries: Whatever happened to Patrick Henry's boot? It's right up there with "Where is Jimmy Hoffa?" and "Who killed Kennedy?"

Whatever happened to Patrick Henry's boot?

Let's follow the trail for a bit. We know that Patrick Henry didn't go straight to Warm Springs to meet up with his fellow assemblymen. Instead, he rode to northwestern Augusta County and took refuge at Mt. Pleasant, the home of Col. George Moffett. According to Waddell in "Annals of Augusta County," Henry stayed for breakfast the next morning, and was more than a little shame-faced at having arrived wearing only one boot.



Patrick Henry left Mt. Pleasant later that day to find a hiding place among the caves in the area. When he had gone, a servant rode up to the house, bearing a single boot. It was, he said, the boot that Mr. Henry had left behind in Staunton the night before. Probably stifling a smirk and chuckle, he gave it to Mrs. Moffett, who thanked him and sent him on his way.

Now, there is no record of Mrs. Moffett ever having forwarded that boot to Patrick Henry. So what happened to it? Where is Patrick Henry's boot?

Let's skip forward 204 years, to 1985. The *Staunton Leader* had hired me to go into northern Augusta County and come up with feature stories, which isn't as easy as it may sound. There's a lot of countryside in northern Augusta County, and not that many people. So I'd literally go up to people's houses, knock on the door and do my imitation of a vacuum cleaner salesman, foot in the door, saying, "Hi, I'm a writer, got any good stories?"

I got a lot of strange looks, but occasionally I got a good story. One of them was at the home of Mrs. Spencer Ware – who lived in Mt. Pleasant, the Revolutionary War home of Col. George Moffett and his wife. Mrs. Ware and her late husband had moved into the house in 1940, and with the exception of some electrical and plumbing upgrades, had changed very little about it. It was much as it had been during the Revolutionary War.

In 1961, Mrs. Ware's daughter-in-law decided to do a little exploring around the house, and climbed into the attic. There wasn't much of anything up there, but she nosed around in all the nooks and crannies. She emerged from one of these recesses with – yes – a single boot! The top portion of it had been cut away so that it resembled an ankle boot (and I have a theory why, that I will explain in a minute); it was smooth and hard as a rock; and it was the equivalent of a modern size 8.

Mrs. Ware was convinced that this was the boot Patrick Henry had left in Staunton, the one that had been delivered to Mrs. Moffett by Henry's servant. She kept it on her mantelpiece as a conversation piece.

So, was the mystery solved? Was this, indeed, Patrick Henry's missing boot? Personally, I think so. It certainly looked like a piece of 18<sup>th</sup> century footwear. The geography – Mt. Pleasant – was absolutely correct. And, there was the cut-away top. My theory is that the boot had, indeed, belonged to Patrick Henry. Over the years, Mrs. Moffett, or whoever had owned the boot, cut pieces of it off to give away as souvenirs. People did that a lot in those days. You know, give Uncle Cosmo a piece of Patrick





Henry's boot for Christmas. All of which would explain the missing upper portion of the boot.

But the mystery of what happened to Patrick Henry's boot didn't end there. Soon after my article appeared in the Staunton Leader, Mrs. Ware received a phone call from a man who said he was a descendant of the Moffett family. He asked if she would sell him the boot, and she said yes. He sent her a check, she packed the boot up in a box, and mailed it off. That was the last anyone has seen of what probably was Patrick Henry's boot. Mrs. Ware's family doesn't know who the man was, or even how much he paid for the boot. "Probably not much," said Mrs. Ware's daughter-in-law. And so, the mystery continues. Perhaps one day Mr. Henry's missing footwear will show up again. Until then, this remains an interesting footnote – pun intended – to a famous local story.

Another significant local mystery I'd like to tell you about served as topic of the first chapter of my new book, *Staunton, Virginia: Another Treasury of Historic Tales*. It involves a seventeen-year-old drifter from Shenandoah County, John W. Kenedy, who wandered into the Greenville area in December of 1902. He fell in with a Mrs. Bailey and her dim-witted son, Jim, and things went downhill quickly from there.

One day, Mrs. Bailey approached the boys and said, "Here's what you do. You wreck the Norfolk and Western train, and then go on board and rob all the dead passengers. We'll take the money and go to Florida and open a grocery store."

And the boys said, "Gee, ma, that's a good idea."

So Kenedy and Jim Bailey went out and pried apart the railroad tracks. When the train hit the damaged rails, the engine and a couple of cars careened off and lay steaming like a Chinese laundry. Only one thing was wrong. The passengers weren't killed. One man, an engineer, was. So the boys took off.

Soon, an army of railroad detectives descended upon the scene, and it didn't take long for them to track the deed to Mrs. Bailey, her son and John Kenedy. The boys were captured in West Virginia in 1903 and were returned to Staunton to stand trial in Augusta County Circuit Court. Because Jim Bailey was, very near, a half-wit, the responsibility for the death of the N&W's engineer was placed on Kenedy's shoulders.

While Bailey got 18 years in prison and his mother got 10 years, Kenedy was sentenced to hang.

In September of 1903, Kenedy tore apart the bed in his cell and



used an iron bar from it to reach through the bars of his cell door and snap a padlocked chain. He ran downstairs and was in the process of removing the last bar from a window – and making his escape –



*Mugshot of John W. Kenedy, by Blakemore of Staunton. (Photo courtesy Charles Culbertson)*

when the sheriff returned to the jail with a prisoner and caught him. Another instant and Kenedy would have been gone.

Kenedy's lawyers appealed the death sentence, but by March of 1904 all the appeals had been exhausted. Construction workers began to construct a scaffold in the prison yard of the Augusta County jail – a scaffold that Kenedy could see when he looked through the window of his cell. As workers dropped bags of sand through the trap door to test the strength of the gallows, Kenedy gaily shouted out to them, "Why, that thing would break a man's neck!"

He even wrote a bit of pre-execution poetry:

*Roses are red,  
Violets are pink,  
Will I hang?  
No, I think.*

In March of 1904, just four days before he was to hang, Kenedy was visited by a local preacher. The two prayed, and read from the Bible. At last, the preacher asked, "Are you ready to go, my son?"

Kenedy looked at him and said, "Yes, I am ready to go."

And that night he went. He tore apart his bed, used an iron bar to snap the padlock on his door – the same thing he had done six months earlier – and got out of his cell. Only this time he didn't go downstairs. He hid behind a door until a jailer came in, jumped him and beat him into unconsciousness. Kenedy locked the jailer in the cell he'd just vacated, and then went to work on the bars of a window, removing two of them.

Now, don't ask me what a garden hose was doing in the jail, but there it was. Kenedy got it and tied it to the bars, crawled through the window and, using the hose as a rope, let himself down into the jail yard. He was almost free, but a very high stone wall surrounded the jail yard. Kenedy looked around, picked up a plank that was being used by



*Photo of the gallows built behind the Augusta County jail for the execution of train wrecker and murderer John Kenedy. A plank laid aside by construction workers actually helped Kenedy make his daring escape. (Photo courtesy Charles Culbertson)*

construction workers to build his scaffold, and leaned it against the wall. Then up and over he went, and got away.

And when I say he got away, I mean he *got away*. Completely. Even though there was the 1904 equivalent of an all-points-bulletin for him, and bloodhounds and men on horseback scoured the countryside for him, and his photograph was circulated nationally, John Kenedy was never seen nor heard from again. There were a couple of sightings, and even a couple of arrests, but they all turned out to be false.

As March gave way to April, Kenedy continued to

elude capture. A local reward of \$200 and a reward of \$300 by Governor Montague went unclaimed.

His trail grew progressively colder until, at last, lawmen stopped looking for him. But neither they nor the journalists who had covered the story could ever quite get John Kenedy and his Scot-free escape out of their minds. In the spring of 1946, the escape of four prisoners from the Augusta County jail prompted a full-page re-examination of the Kenedy jail-break. Where, asked the article, was Kenedy?

"Forty-two years later, is he alive or dead? If alive, he would be sixty-one. Does the reward of \$500 hold good? Interesting questions, are they not?"

Indeed. John Kenedy's ultimate fate is a riddle that isn't likely to be solved after all this time, but there's always hope. And, I suppose, that's why I enjoy the story with the loose end or missing piece. I'm always hoping that one day, by accident or by design, I'll find the answer I'm looking for, and can put to bed one of these fascinating mysteries of local history.



# An introduction of the Cast Iron Plow into Virginia

by Robert P. Kyle

(© Robert P. Kyle, 12 August 2008)

*Robert Kyle, an ACHS member and family historian, has made a speciality of delving into court documents to interpret Virginia's history. This time he turns his attention to the plow -- one of the most important agricultural tools in an area that was America's breadbasket.*

The plow has been an implement of agriculture for several thousand years. Among the simplest versions was the shovel, or breaking, plow, a V shaped blade pulled through the ground, but little changed from the ancient ard. The turning plow was a more significant improvement, cutting the soil loose in a furrow and turning it upside down. Important technological improvements in Europe during the eighteenth century included the Rotherdam plow patented by Staynforth and Foljambe in 1730, moldboard designs by James Small and John Arbuthnot around 1760, tempered shares by Ransome in 1785, and cast iron moldboards patented by Thomas Merrick in 1791.<sup>1</sup> But plows in America around 1800 remained primitive. In 1849, Horace L. Emery described production at the start of the century:

I remember when mould-boards of plows were made from the trunks of winding trees, cut into pieces of proper length and split through the middle, the face of each half thus forming a regular winding surface. These sticks were then wrought from the other side until a proper thickness was obtained – the winding surface being preserved, formed the mould-board. These mould-boards were then covered with strips of wrought iron and furnished with wrought iron and steel edge coulters and points. ... In making this kind of plows nearly the same kind of process is gone through as in the making of a pattern. Uniformity in their construction was not thought of – in fact, almost every plow was made to order, according to the peculiar notions of the purchaser.<sup>2</sup>

The function of the plow is to prepare the soil for the germination of plants. The moldboard plow does this by slicing the ground



in both vertical and horizontal planes and inverting the soil as the plow is pulled forward. The coulter, a knife-like blade attached to the beam in front of the plow share and moldboard, makes the vertical cut. The plow share, an elongated sharpened wedge, makes the horizontal cut, and passes the sod back to the moldboard, which turns over the soil, pulverizing it. The share is attached to the landside, the base of the plow on the back of the moldboard. Plows were made in various sizes, depending on the depth of furrow desired, and the type and number of draft animals (horses, mules, or oxen) employed.

In 1794, Thomas Jefferson described his “mouldboard of least resistance” in a letter to John Taylor of Caroline County, a leading agriculturist:

I have imagined and executed a mould-board which may be mathematically demonstrated to be perfect, as far as perfection depends on mathematical principles. And one great circumstance in its favor is that it may be made by the most bungling carpenter, and cannot possibly vary a hair’s breadth in it’s form, but by gross negligence.<sup>3</sup>

Still, this was a wooden instrument, and while his recommendation attracted some interest among the intelligentsia, Jefferson’s moldboard had negligible immediate influence.<sup>4</sup> Most plows continued to be made from twisted trees.

Jefferson’s notion of a uniform and optimal shape, however, was incorporated in the patent received in 1797 by Charles Newbold for a cast iron plow.<sup>5</sup> His plow was cast as a single piece, and thus when the plowshare fractured, the entire plow had to be replaced. Moreover, many farmers believed that the cast iron plow “poisoned” the soil, or “that turning over the furrow slices would exhaust the soil by greater exposure to sun and air.”<sup>6</sup> Although Newbold expended a substantial sum attempting to perfect and introduce his plow,<sup>7</sup> another New Jersey inventor, David Peacock, was more successful. He obtained a patent in 1807 for a plough cast in three pieces.<sup>8</sup> Newbold sued Peacock for patent infringement, but the case was settled without trial upon a payment of \$1,500.<sup>9</sup> Jefferson himself never sought a patent for his moldboard. As he later wrote to Charles Willson Peale:

You will be at perfect liberty to use the form of the mouldboard, as all the world is, having never thought of monopolizing by patent any useful idea which happens to offer itself to me: and the permis-



sion to do this is doing a great deal more harm than good. ... We are now afraid to use our ploughs, every part of which has been patented, although used ever since the fabulous days of Ceres.<sup>10</sup>

Jefferson's comments reflect his frustration with the fledgling American patent system. At the urging of James Madison of Virginia and Charles Pinckney of South Carolina, the Constitution of the new United States had provided that Congress would have the power "to promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."<sup>11</sup> Congress enacted the first patent legislation in 1790. The inventor submitted a petition claiming that he had "invented a useful art, manufacture, engine, machine, or device, or any improvement therein not before known or used," a model of his invention, and a specification sufficiently detailed to allow duplication of the device. The Secretary of State (coincidentally, Thomas Jefferson), the Secretary of War, and the Attorney General, or any two of them, upon determining that the invention or discovery was "sufficiently useful and important," issued a patent for a term of fourteen years. The panel could decline to issue a patent, and from this decision there was no appeal.<sup>12</sup>

The Patent Law of 1790 was replaced three years later.<sup>13</sup> Under the new legislation, the petitioner was required to swear that he believed he was the true inventor, and to deliver a complete description and model. The petition was presented to the Secretary of State, reviewed for legal sufficiency by the Attorney General, and signed by the President, but there was no examination for patentability prior to issuance. The system became one of registration, not examination, and the courts were given primary responsibility for determining patentability and patent validity.<sup>14</sup>

The difficulty this presented is illustrated in a letter to the *National Intelligencer* in 1820 from several farmers in Fauquier County, Virginia. They noted that John Balthope was claiming a patent for a type of plow, but the farmers asserted that a local plowmaker had been making this plow for years under the patent of another inventor, J. Breathard. The editors of the *National Intelligencer* referred this to the Patent Office, which acknowledged that Breathard had deposited his description and model before Balthorpe, as had another inventor, John Lupton. But, the Patent Office continued, "As patents





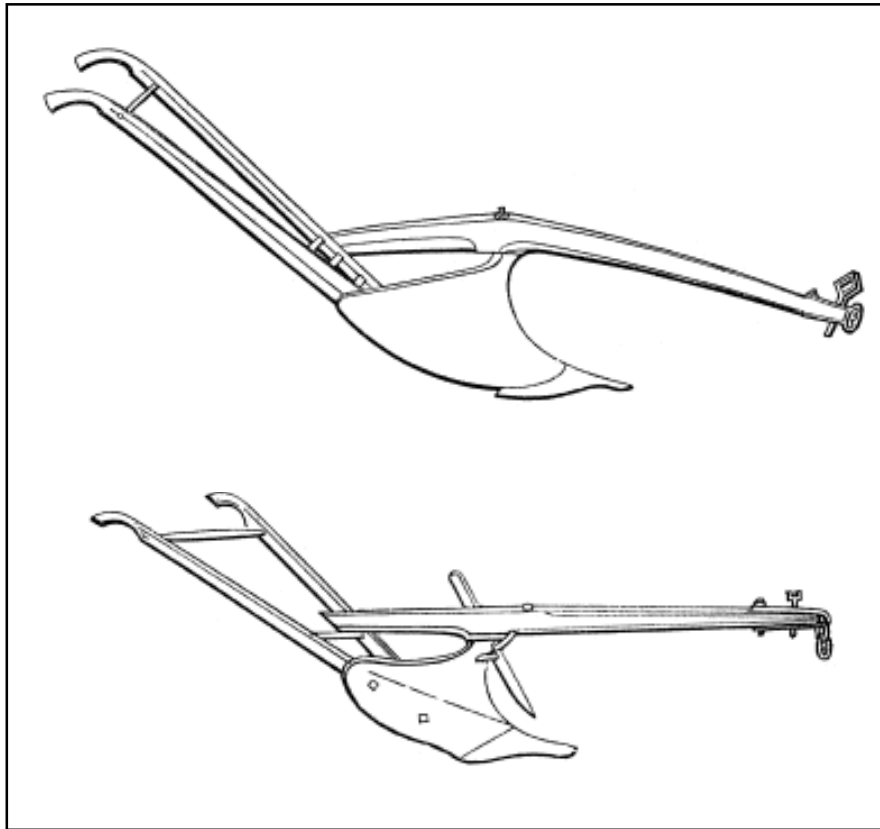
are granted for improvements in any machine, it is very difficult to say (when there is a difference in the form) whether the principle is varied so as to make a patent tenable. A jury, in a court of justice, can alone decide that point legally.”<sup>15</sup>

From the enactment of the first Patent Law in 1790 to the fire in December, 1836, which destroyed the Patent Office and its records and models, hundreds of patents were issued for plows, including many for “improvements.”<sup>16</sup> Clearly, lack of scrutiny prior to issuance contributed to this. This was also the onset of the industrial revolution in America, with substantial inventive genius focused on machines, including those in agriculture, particularly in the North. But the cast iron plow became accepted in Virginia (and the rest of the South) slowly. In part, this was because the primary crops, tobacco and corn, were traditionally planted in hills, not furrows, in the South, and slavery was conducive to this labor intensive method.<sup>17</sup> The dissemination of information in the South about technological improvements was limited. Newspapers carried little news, and agricultural journals, usually regional, had small circulations. Internal improvements lagged.<sup>18</sup> This retarded the creation of large market areas for plow manufacturers, and increased the cost of northern products.<sup>19</sup> There was also a perception that northern manufacturers shipped “some of the worst articles of Yankee humbug that the cheating ingenuity of that universal cute nation could contrive ... expressly for the Southern market.”<sup>20</sup> So the introduction of the cast iron plow in Virginia agriculture, while influenced by events elsewhere, progressed on its own path, at its own pace.

Stephen McCormick was born in Fauquier County, Virginia, in 1784.<sup>21</sup> By about 1812, he was making plows at his farm at Auburn, Fauquier County, using castings made for him at Benjamin Blackford’s Isabella Furnace in present Page County.<sup>22</sup> On April 24, 1818, he published a notice to the public:

I also have become a candidate for public patronage, and shall attempt to explain and give reasons to show at least some advantages which I think my plough possesses over any others now in use. ...These ploughs will be furnished at my shop in this county, or in Alexandria after the 15<sup>th</sup> of next month.<sup>23</sup>

Almost a year later, on 3 February 1819, McCormick received a patent for his “improvement in plows.”<sup>24</sup> Around the same time,



*These sketches of the Stephen McCormick plow (top) and the Gideon Davis plow (bottom) are based on illustrations in **The Report on Trial of Plows Held at Utica, New York State Agricultural Society** (Albany: Van Benthuysen & Sons, 1848) pp. 98 and 73.*

Gideon Davis, of Georgetown, District of Columbia, was also making plows, and had received a patents for a plow improvement a few months earlier.<sup>25</sup> An article in *American Farmer*, 8 December 1820, by W.A. Dangerfield, complimented Davis' plow: "The number of good properties, combined in Davis's plough, together with its great simplicity, strength, durability and cheapness enduce us, under present impressions, to say it is the best we have ever made use of, especially for oxen."<sup>26</sup> Dangerfield reiterated his assessment the following year in an address to the Prince George's County (Maryland) Agricultural Society: "There are many kinds of first rate ploughs at our command, namely, the Peacock, Freeborn and Davis ploughs. The latter is best suited to my taste. It is simple, durable, very efficient, and cheap."<sup>27</sup>



Plowmakers often staged contests to display the merits of their products, and then touted the favorable results. Such a contest occurred at Bernard Gilpin's farm in Montgomery County, Maryland, on 18 September 1821, and Davis reported his success in the *American Farmer* a month later.<sup>28</sup> The following summer, McCormick arranged a similar contest, pitting his "Improved Patent Plough" against, among others, "Davis improved patent plow, made by McCormick." Not surprisingly, McCormick's own plow won.<sup>29</sup>

Between these two matches, McCormick had written Davis:

I feel disposed to make a proposition to you which I have no doubt will be to the interest of us both, viz: you are to have the privilege of making my ploughs and using all patterns. You are to allow me the same privilege with yours. This plan will have the tendency to attract the attention of the farmer and the curious.<sup>30</sup>

Davis responded unenthusiastically:

With respect to thy proposition, I have thought of that & have reason at present to believe that the demand for my own sort of ploughs will very much exceed what I am able to supply, & as I have for several years been endeavoring to simplify the business, so as to have (or even need) as few sorts as would answer the useful purpose, I think I would rather not take hold of any thing of that kind until I saw the want of it. I will just propose, if thee is not too partial to thine own plough, & if profit is thy object (as I confess it to be mine) I am of the opinion from the idea I have of thy plough, that if thee would take mine in hand, this could work much more to thine own interest & considerably to mine.<sup>31</sup>

Competition continued at the agricultural fairs. Davis, especially, took these very seriously. He entered a contest at the Maryland Cattle Show in May, 1822, where, despite the judge's assessment that the Davis plow "is plain and simple, and of course cheap, and from appearances, not liable to get out of order easily," the premium was awarded to the only other entrant.<sup>32</sup> Davis protested, but the judge stood by his decision.<sup>33</sup>

Davis did receive premiums at the Maryland Agricultural Society Exhibition on 6 November 1822,<sup>34</sup> the Agricultural Society of the Valley on 15 November, 1823,<sup>35</sup> and the Agricultural Society of Loudoun County (Virginia) in November, 1824, where he shared the premium with a plow made by McCormick.<sup>36</sup> But when he failed again at the Maryland Cattle Show in November, 1823,<sup>37</sup> he wrote to



the *American Farmer*, posing the question, "If my ploughs are the best, why do other ploughs take the premiums at Agricultural Exhibitions?" He answered his question by asserting that animal power and plowman skill taint the assessment of the plow itself.<sup>38</sup> He then approached John C. Calhoun, then Secretary of the Army, importuning him to request the Army to conduct a test evaluating various plows, all furnished by Davis, but not including a McCormick plow. The match was held 24 November 1824, and concluded, as might be expected, that the Davis plow was "decidedly superior in most respects, and generally superior in all."<sup>39</sup>

McCormick also continued to participate in the contests at agricultural exhibitions. After he was awarded the premium at the Fredericksburg (Virginia) Agricultural Society Fair in November, 1822,<sup>40</sup> he entered into an agreement with Peter Minor to promote and vend his plow in central Virginia. Minor was a prominent agriculturist, living at Ridgeway in Albemarle County, and the secretary of the Albemarle Agricultural Society which included Thomas Jefferson, James Madison, and John Hartwell Cocke.<sup>41</sup> On 15 December 1822, Minor wrote Cocke:

I enclose an advertisement by which you will see that I am going into the plough making business. I am pretty certain that upon (illegible) on & trial ou will pronounce these the best ploughs you have ever seen\*, in which anticipation, as soon as we set in operation I shall send you down one or two as far as Carysbrook or Columbia, & if they meet your approbation, you must spread their renown. ... \* McCormick's Patent.<sup>42</sup>

Another neighbor, David Watson, responded to a similar announcement, "I have not yet seen the McCormac [sic] plow that Dr. Martin has. ... I shall see it as soon as convenient, and have no doubt that half dozen of them may be wanted in the neighborhood, if they can be got in time for spring fallowing."<sup>43</sup> Several months later, however, Watson was more guarded:

Mr. Price arrived this evening, with the expected cargo of plows. I very much fear, we shall not find it easy to dispose of many of them hereabout. The Louisians [residents of Louisa County] are by no means an enterprising people, but slow in adopting new things; and at this time particularly, money is very scarce among them. The price of your plows too are constantly objected to. It is in vain to tell them, that the quality & convenience entitle them to this price. In speaking with your old friend Ragland the other day, he said he would wait for "the second edition," which would come lower. I will



however, do my best to dispose of them, & from the slight examination I have given them, they are certainly the best plan of a plow I have ever seen.<sup>44</sup>

Minor continued his efforts, writing Joseph C. Cabell of Nelson County in August, 1823:

I have started a wagon with a load of ploughs to Lynchburg, & as it will pass by Nelson Ct. House on yr. court day, I have directed it to stop there, that the amateur farmers of your county may have an opportunity of supplying themselves with the best ploughs that are now extant. The Bearer Mr. Jno. Maddox is the maker of them, & I have sent him along with the wagon that he may put them properly together & explain & point out the parts of these ploughs that are different from any others that I have seen & in which I concur their superior excellence exists. The chief object of this letter is to interest you in this business, so far as to mention to such gentlemen of yr. acquaintance who may be at yr. court, as you think would probably be desirous of purchasing them. ... Prejudice apart, I think you will find these ploughs the simplest & the most efficient in performance of any that have been constructed in this country. It is McCormick's plough, which took the premium last fall at the Fredericksburg fair, and I am partner with him in the manufacture of them on a large scale at this place. The price is \$13 at the factory, & we are willing to take that in cash at yr. ct. house. See if you can do anything for me – & if you try one, report your opinion of its character.<sup>45</sup>

Both Minor and McCormick were undoubtedly pleased when the McCormick plow bested both the “Davis or Quaker plough” and a Loudoun County barshare plough in the plow competition at the Albemarle Agricultural Society fair in November, 1825.<sup>46</sup> The McCormick plow also received premiums at the exhibition in Middleburg sponsored by the Agricultural Societies of Loudoun, Fauquier, Prince William and Fairfax Counties in October, 1826,<sup>47</sup> a second premium in Albemarle the same month,<sup>48</sup> and at the Rockbridge County fair in 1828.<sup>49</sup>

In addition to plow contests, plowmakers frequently sought endorsements from prominent neighbors or celebrities. When Lafayette returned to the United States in 1824, McCormick presented him with a plough. Upon his return to Paris, Lafayette had the plough evaluated by the Royal Central Agricultural Society of France, which then presented a prize to McCormick. This was reported to McCormick in a letter from Lafayette on 28 May 1826, which was accompanied by the report,<sup>50</sup> subsequently translated and printed in the *American Farmer*.<sup>51</sup>



Although Benjamin Blackford remained McCormick's primary source for the castings used in his plow, the other furnaces which provided castings suggest the geographic reach of the McCormick plow. These include the Catoctin Furnace in Maryland,<sup>52</sup> Cloverdale Furnace in Botetourt,<sup>53</sup> the furnaces of William Weaver, Jordan & Irvine, and Matthew Bryan in Rockbridge,<sup>54</sup> and the Crump & Co. Foundry in Fredericksburg.<sup>55</sup> At various times between 1818 and 1840, manufacturing facilities were located at McCormick's farm at Auburn, Fauquier County, at Leesburg in Loudoun County,<sup>56</sup> at Minor's plantation in Albemarle County,<sup>57</sup> at Pattonsburg (Buchanan) in Botetourt County,<sup>58</sup> at Berry's Ferry in Frederick County,<sup>59</sup> and in Alexandria,<sup>60</sup> Richmond,<sup>61</sup> and Fredericksburg.<sup>62</sup>

The competition between Davis and McCormick exploded in 1825, after Davis received a patent for another "improvement."<sup>63</sup> Davis had entered the Richmond market as early as 1822, when Bernard Peyton advertised "Davis's celebrated two and three horse ploughs."<sup>64</sup> In March, 1825, his plows were being stocked by James Winston.<sup>65</sup> The following month, he appointed Thomas Spencer of Richmond as his agent.<sup>66</sup> By this time, both McCormick and Davis were claiming infringements by the other, and initially they agreed to submit their dispute to arbitration.<sup>67</sup> But in December, 1825, McCormick announced an agency with William Palmer of Richmond.<sup>68</sup> Davis apparently reneged on the agreement to arbitrate,<sup>69</sup> and the parties began skirmishing in the newspapers. Davis fired the first volley on the day set for the arbitration, a "Caution to the Public:"

The subscriber feels himself bound, in justice to the public, to forewarn them against the violation of his legal rights, by the purchase and use of "M'Cormick's Patent and late Improved Ploughs," which are offered for sale by William Palmer of Richmond, Va., and Stephen M'Cormick of Fauquier county, Va. ...

[My plough] combines several important improvements ...which ...have been appropriated by M'Cormick and adopted by him.

For this palpable violation of the rights of the subscriber, no apology or justification can be offered, and he feels himself called upon to say, that such liberties shall not pass unnoticed. Therefore, any person or persons making, using, or vending, or causing to be made, used, or vended, M'Cormick's Patent Ploughs ... are hereby notified that they will be prosecuted in due course of law for infringing the patent of the subscriber. ...<sup>70</sup>

McCormick promptly replied:





The whole matter is that the manufacturer [Davis] and myself have been engaged upon the same subject; he "laboriously devoted to it for several years," I for eighteen years at least. We have both of us deposited models, and obtained patents, and we have for some years past, at the ploughing matches and agricultural fairs in this section of Virginia, had exhibited, contrasted, and worked, the results of our reflections and experiments in this act. The judges at these various exhibitions have invariably awarded the preference to "M'Cormick's over Davis's Plough;" the consequence is that my ploughs are much in demand; Davis's much less so. Having failed of success in fair contest, his present object seems to be to change his grounds, and to endeavor to appropriate to himself the plough he has so often contended with ... .

What more can I do under these circumstances, than deny, as I do, the imputations contained in the caution to the public – and pledge myself to defend one who may be plagued by the manufacturer with a suit for using my patent plough with my consent. ...<sup>71</sup>

Meanwhile, both McCormick and Davis were expanding geographically. In early 1826, McCormick visited James Cartmill and John F. Wood, who had established a shop for manufacturing agricultural implements in Pattonsburg, Botetourt County. He convinced them to make his plow, initially using castings from Blackford's Isabella Furnace. In June, 1826, they requested that McCormick furnish the patterns so that they could have the castings made locally.<sup>72</sup> The following month they reported:

Our James Cartmill was at Fincastle at July Court where he saw a man who styled himself an agent for making and vending the Davis plough. He has located himself in Amsterdam (a small town five miles West of Fincastle) where he makes and sells Davis's plough. He produced a lengthy advertisement wherein he threatens (with a suit) any person making, vending or using your plough, alledging that Davis is the real inventor, and is justly Intitled to the patent fee, and so far as our Jas. Cartmill's observation enabled him to judge, publick opinion here (on this subject) seems to be in his favor.

Mr. Digges, the manager at Cloverdale Furnace, positively told J.C. that he would withhold the patent fee until he was satisfied to whom it was justly due. These are circumstances which we consider it our duty to apprise you of without delay because your interest (here) must be very materially affected by them. We (sir) have no doubts in regard to this matter ourselves. ...<sup>73</sup>

McCormick responded promptly, stating that he had confronted the man "who styles himself an agent for making and vending the Davis plough," and that the man (William Kemper) was not actually making Davis's plough, but was nevertheless infringing on



McCormick's patent. McCormick claimed Kemper had responded by saying that "he knew the rights were in me or Davis, and he cared not to whom he paid the patent fee." McCormick requested that Cartmill & Wood have his reply to Davis's "Caution to the Public" published in the Fincastle newspaper.<sup>74</sup>

The dispute between McCormick and Davis was taken into the courtroom several weeks later when Davis obtained a temporary injunction from U.S. Supreme Court Chief Justice John Marshall,<sup>75</sup> restraining William Palmer, McCormick's agent in Richmond, from making and selling plows. Davis also sued Palmer and McCormick for infringing his patent. McCormick responded by claiming that Davis's patent was void for uncertainty, that the improvements Davis claimed were already in general use, and that he (McCormick) was the prior inventor under his 1819 patent.<sup>76</sup> He also filed a motion to dissolve the temporary injunction, which was brought on for hearing in December, 1826. Although no transcript of that session survived, a junior member of Davis's legal team described it:

In that cause the plaintiff, an extensive manufacturer of ploughs in the District of Columbia, sued the defendants, for an alledged infraction of his patent right to a newly invented plough, which bore his name, and he obtained an injunction restraining the defendants from manufacturing and vending their ploughs; until it should be determined whether the plough, made and sold by them, did not violate his patent.

The defendant, McCormick, was also an extensive manufacturer of ploughs in great repute throughout the State of Virginia; the ploughs made by him were patented in his name, and he had agents for the sale of them in different parts of the state, of which Palmer was one.

The pecuniary interest involved in the controversy was large, but in the estimation of the parties of little importance in comparison with their reputation as mechanics and inventors. In short, they deemed their honor staked on the issue, and their exertions were in proportion. ...

To Mr. McCormick, whose business was arrested by the injunction, it was of the utmost importance to set it aside; and a day was accordingly fixed for the purpose of trying that question. Messrs. Wickham & Chapman Johnson, were counsels for defendants; Messrs. Leigh and Stanard, for plaintiff. When the day of the trial of the injunction came on, the hall of the Circuit Court was encumbered with ploughs of every variety of form and dimension, works on agriculture, encyclopaedias, &c., to such an extent, that a spectator ignorant of the cause, must have imagined that he was assisting at an agricultural fair, rather than at the trial of a cause in a Court of Justice. ...

The trial of this cause occupied about three weeks, merely on the question, whether the injunction should be set aside, and nearly the same time afterwards before a jury. The defendants insisted that



the patent of Davis was null, 1<sup>st</sup>, because of defects in the specification; 2d, because his pretended invention was not new, but was previously known both in the United States, England and elsewhere. They also insisted that McCormick had not violated the patent unless it was shown, that the construction of his mouldboard was in every respect similar to that of Davis. It is probable, that at no period since the invention of ploughs, had its structure and history been so thoroughly examined, and the historical, scientific and mechanical details introduced in the examination of the subject were exceedingly numerous. ...

The venerable Chief Justice listened to every thing advanced in behalf of either party with his usual attention. Many of the topics discussed were certainly foreign from his ordinary studies and the immense mass of facts collected from Encyclopaedias, scientific journals and other sources were well calculated to perplex the best organized head; yet when he delivered his opinion, in which he analysed the pretensions of both parties with a clearness, and precision that was truly remarkable; every body was ready to admit that it was impossible to understand the subject more clearly....<sup>77</sup>

Despite his vivid description, this observer erred in recollecting that the injunction was maintained. In fact, it was dissolved on 23 December 1826.<sup>78</sup>

The lifting of the temporary injunction was a victory for McCormick, but did not end the litigation. In May, 1827, the parties squared off for the trial before a jury. Again, the three-week trial record did not survive, but Chief Justice Marshall's response to the parties' requested instructions to the jury did. Regarding the moldboard, Marshall concluded:

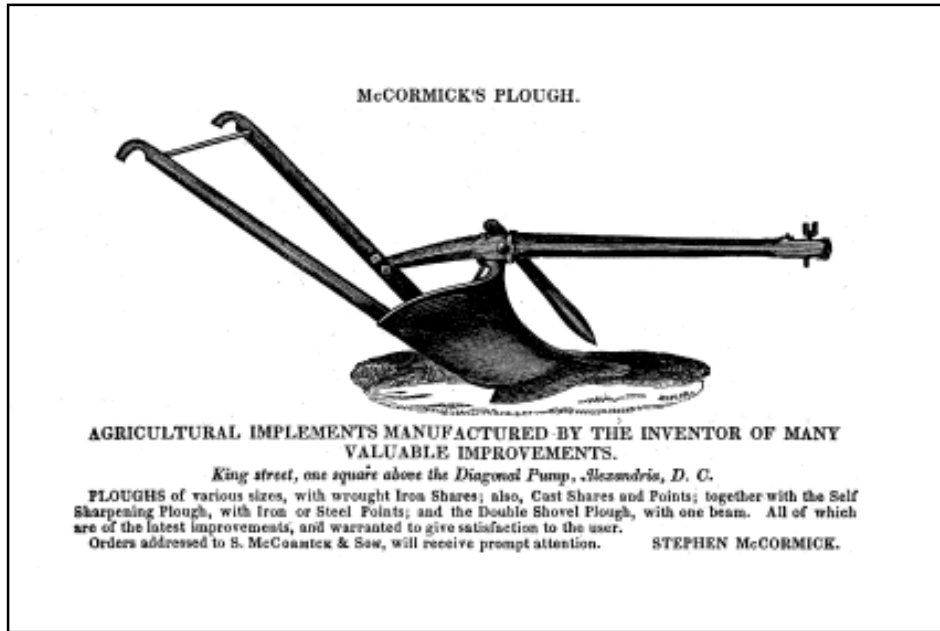
In construing this specification, we must keep in view the notice of the improvement which Mr. Davis claims to have invented and to describe. It is an improvement in the shape of a machine which has been in common use a great number of years, and in a great variety of shapes. The concave mould-board has long been considered as the most eligible shape that part of the plough can assume, and multiplied essays have been made to perfect it. Mr. Davis has recently added to their number; he professes to have discovered that precise concavity in the surface of the mould-board, which will better than any other fit every part of the furrow slice, and, consequently, turn it over with less labour. For this discovery he claims a patent; we may reasonably expect, that a specification for such a patent, will give a precise and definite shape to the improvement to be patented. ... (T)he patent [must] be restricted to the mould-board as described. [The patent] is not violated, unless the defendants have adopted the same circular lines as are described in the specification, [unless the jury is satisfied] that the imitator attempted to copy the model, and to make some almost imperceptible variation, for the purpose of evading the right of the patentee....<sup>79</sup>



He went on to conclude that the jury would also be allowed to decide whether Davis's moldboard shape was simply a change of form or proportion, incapable of being patented.

Justice Marshall's decisions on these points were serious blows to Davis's case, but hardly resulted in a victory for McCormick, since the principles called into question the validity of his patents, too. Rather than submitting their dispute to the jury, Davis and McCormick compromised, agreeing to dismissal of the cases. McCormick sought to portray this as vindication of his claims.<sup>80</sup> Davis did not accept the disposition gracefully. Thomas Spencer, Davis's agent in Richmond, sued McCormick, seeking the repeal of McCormick's patent, and McCormick believed this suit was Davis's doing. Eventually that suit was dropped.<sup>81</sup> William Kemper, who had sold what he had represented to be Davis's plow in Botetourt, surfaced in Fauquier County to compete with McCormick. Like Davis some years earlier, McCormick published an admonition in the newspaper: "The subscriber considers his patent right invaded by Wm. S. Kemper, and those who use or vend the said improved ploughs hereafter, may expect to be prosecuted in the Circuit Court of the United States."<sup>82</sup> McCormick actually brought a suit against Kemper, not for patent infringement, but rather for slander, in the Superior Court of Fauquier County. A jury returned a verdict in McCormick's favor, but awarded only nominal damages of two cents. Davis learned of the decision from Kemper's father, who reported that "McCormick was fairly beat out & more outdone than he ever was before, that he slunk off & was not seen there again during the whole court."<sup>83</sup> Davis could not resist an open letter to McCormick in the newspaper, since it afforded him the opportunity to recite Kemper's slander with impunity, and even to provide a definition to assist the reader: that McCormick was "a secret and malicious slander[er], a dastard (a coward, a poltroon, one who meanly shirks from danger – Webster,) and a liar." Davis took special delight in noting the award of nominal damages of two cents, "establishing the fact that under the charge of 'a secret and malicious slanderer, a dastard and liar,' thy character cannot now be lowered more than one cent at most; which, I think, is to thee indeed, a very unenviable state in society."<sup>84</sup>

That their competition remained intensely personal is evidenced by Davis' reaction when he learned that his neighbor, George



*Advertisement for the Stephen McCormick plow manufactured in Alexandria. American Farmer, Vol. 31, No. 12, 8 October 1830.*

Holtzman, had undertaken an agency in the selling of plows for McCormick: "But for a commission of one dollar apiece, with all his professions of friendship, he would use his endeavors to ruin me and my family."<sup>85</sup> Some months later, he wrote to his son that Holtzman had not sold any McCormick plows, and that Holtzman "is ashamed of his conduct, & the more so because they don't sell."<sup>86</sup>

Throughout this period, McCormick continued to promote his plow. In February, 1827, he contracted with William Weaver of Rockbridge County to make and vend plows using McCormick patterns.<sup>87</sup> And a few months later, he was dealing with Weaver's competitor, Jordan & Irvine.<sup>88</sup> In 1829, he appointed William Stewart, another plowmaker, as his agent, authorizing Stewart to make and sell McCormick plows, and to license others to do so.<sup>89</sup> That same year, he entered into a short lived agreement with George Burwell to make plows in Frederick County.<sup>90</sup> The following year he leased a site for a plow factory in Alexandria.<sup>91</sup> Sinclair & Moore, of Baltimore, the largest agricultural implements merchant in the area, stocked McCormick plows in a wide range of sizes.<sup>92</sup> A host of dealers offered his plows in Fredericksburg.<sup>93</sup> He even appointed Ambrose Barnett to make and sell his moldboards in Kentucky.<sup>94</sup>



Davis also continued his efforts. He, like McCormick, obtained castings from Benjamin Blackford in Page County,<sup>95</sup> and negotiated with an ironmaster from Hardy County to provide castings to his son, Rodney, who was manufacturing and selling the Davis plow in Winchester.<sup>96</sup> He also appointed an agent in Tennessee, and shipped his plows to the South.<sup>97</sup>

Notwithstanding the spin that McCormick put on his suit with Davis, the litigation proved mortal to McCormick, too. William Palmer, his agent and codefendant, recognized the import of Justice Marshall's ruling, and immediately ceased paying the patent fees to McCormick.<sup>98</sup> Palmer also broadened his offerings to include plows by other makers.<sup>99</sup> Weaver, Jordan & Irvine, and Cartmill & Wood all withheld the patent fees, requiring McCormick to litigate in distant locales.

In 1832, McCormick sued Cartmill & Wood, obtaining a judgment at law in Botetourt County.<sup>100</sup> The defendants then brought an action in equity to void the judgment, claiming that McCormick's patent was invalid, both because the moldboard had existed for centuries, and because Davis had a patent on it anyway. McCormick claimed he was due the patent fees that Cartmill & Wood had agreed to pay Blackford, and also patent fees on other McCormick plows sold by them as the agent of McCormick.<sup>101</sup> In a remarkably lucid opinion, the Botetourt court held that a state court did not have jurisdiction to invalidate a patent, so Cartmill & Wood could not assert that as a defense. McCormick was awarded the fees which had been withheld from Blackford. But the court also ruled that McCormick had failed to establish that Cartmill & Wood were his agents, and thus that claim really amounted to a suit for patent infringement, which had to be brought in federal court.<sup>102</sup>

In 1838, McCormick filed suit against Benjamin Blackford, whose Isabella Furnace produced most of his cast moldboards. McCormick described an agreement whereby Blackford was permitted to make and vend McCormick's moldboards, collect the patent fees from the purchasers, retain five per cent of the fees for doing so, and remit the balance to McCormick. He alleged that Blackford, "not regarding the promise and undertaking but contriving & craftily & subtly intending to deceive and defraud" him, failed and refused to account for these fees. He claimed he was due fees on 70,000 moldboards, ranging from 25¢ on the smallest (No. 5), to 75¢ on the largest (No.





12.) The dispute was referred by the court to arbitrators, who decided in Blackford's favor.<sup>103</sup> McCormick claimed misbehavior by the arbitrators, and appealed to the Virginia Supreme Court of Appeals,<sup>104</sup> but eventually dropped his appeal. Even allowing for the hyperbole of legal pleadings, it is apparent that the McCormick plow was widely used in the Virginia market.

McCormick was moderately more successful in his suits against the Rockbridge ironmasters. He filed separate suits against William Weaver and Jordan & Irvine in 1841. Both cases were referred to commissioners, who reviewed the business records and recommended sums to be awarded to McCormick, and the court concurred. Both defendants asserted that other furnaces were making the moldboards without paying any fee, but this was not an effective defense since each had contracted to pay McCormick for every casting of his patterns.<sup>105</sup> He received fees on 1350 castings made by Weaver between 1827 and 1829, and on 3684 castings made by Jordan & Irvine between 1829 and 1839. The depositions in the cases do substantiate their claim that moldboards were being cast throughout the area without imposition or enforcement of patent fees.<sup>106</sup> Not all of these used McCormick's patterns, but it is clear that patents were generally ignored, and that the cast iron plow had now been accepted by farmers. Apparently McCormick never brought an action for patent infringement, realizing from his litigation with Davis that resorting to the federal courts would likely be futile. Likewise, Davis threatened to sue five plow manufacturers or distributors in the Baltimore area, but never did so.<sup>107</sup>

Among McCormick's other legal battles were suits against Ambrose Barnett, his agent in Kentucky, where he won the fees on 175 plows,<sup>108</sup> against Crump & Co. over his ill-fated joint venture with that firm in Fredericksburg,<sup>109</sup> against John Brier of Catoctin Furnace, seeking return of lead patterns and fees,<sup>110</sup> and with Edward Hall, who was seeking the rent on the leased factory site in Alexandria.<sup>111</sup> McCormick had filed for his second patent in 1826,<sup>112</sup> a few months after Gideon Davis. He amended that 1826 patent in 1828.<sup>113</sup> Patents at that time were valid for fourteen years, but Congress could by special act extend them. In 1835, McCormick announced that he intended to seek such an extension,<sup>114</sup> and while a voluminous file exists in the records of the Senate Committee on Pat-



Left is the frontispiece from Volume I of William T. Hutchinson's biography, *Cyrus Hall McCormick* (New York: The Century Co., 1930). At right is an advertisement for Cyrus McCormick's Hill Side Plough. *Lexington Union*, 17 August 1833. Special Collections, Leyburn Library, Washington and Lee University.

ents, no legislation was ever introduced.<sup>115</sup> McCormick received his last patent for an improvement in plows in 1837.<sup>116</sup> The McCormick plow remained a popular implement, only gradually being superseded by newer plows.<sup>117</sup>

Although the contest between the patent plows of Stephen McCormick and Gideon Davis was a struggle between the titans of the Virginia market, there were, of course, other plows available. Jacob Rivercomb, of Page County, also had his moldboards cast at Blackford's Isabella Furnace, and he competed favorably against both McCormick and Davis in that neighborhood.<sup>118</sup> The Loudoun County bar share plow had its devotees.<sup>119</sup>

An especially interesting minor player in this arena was Cyrus McCormick of Rockbridge County, a very distant cousin of Stephen McCormick. In 1831 and 1833, Cyrus McCormick obtained patents for plows,<sup>120</sup> and sold some cast at Vesuvius Furnace<sup>121</sup> and his own Cotopaxi Furnace.<sup>122</sup> He actively promoted his plows, which received some attention in the agricultural journals.<sup>123</sup> Although manufac-



turing competing products, there is no evidence of any communication between Stephen and Cyrus.<sup>124</sup> Indeed, many years later, after Cyrus McCormick had abandoned plows to concentrate on his reaper,<sup>125</sup> moved to Chicago and accumulated great wealth, a destitute daughter of Stephen sought financial help for her father from Cyrus. Her plea indicates no prior acquaintance.<sup>126</sup> While there is no record of Cyrus's response, a biographical sketch of Stephen McCormick was included in a family history compiled by Cyrus's brother, Leander,<sup>127</sup> and Stephen's grandson donated one of his grandfather's plows to the McCormick Library in 1920.<sup>128</sup>

Of more significance were plows from the North. Even before the cast iron plow came into general use, a plow with a wooden moldboard and a pyramidal iron share was being manufactured in workshops along the Connecticut River, and substantial numbers of this plow were shipped to the South. This plow was known by a variety of names: Connecticut, Carey (or Cary), Dagen (or Dagon, Deagan), and Enfield.<sup>129</sup> Less successful in the South were the earliest cast iron plows, including those patented by Peacock and Smith.<sup>130</sup>

An extraordinarily productive area for plow innovation was the town of Scipio, Cayuga County, New York. Prior to 1820, at least seven patents were issued to residents.<sup>131</sup> Of these patentees, Jethro Wood became the most famous. After receiving his first patent in 1814, he set about introducing his plow in New York. Unlike McCormick and Davis, Wood manufactured few of his own plows, licensing others to use his patterns.<sup>132</sup> But like them, he sought endorsements. In 1816, he wrote Thomas Jefferson: "The firm of which I am a partner requests thy acceptance of a plough, as a respectful tribute to thy Ingenuity in improving that important instrument."<sup>133</sup> On 23 March 1817, Jefferson acknowledged the gift, suggesting Richmond as a possible site for distributing the plow.<sup>134</sup> There is no indication that Jefferson ever tested, used, or recommended Wood's plow.<sup>135</sup> Wood also gave a plow to Czar Alexander I of Russia.<sup>136</sup>

Among those Wood licensed to manufacture and sell his plow was Thomas Freeborn of New York City, and prior to receipt of his second patent in 1819, over 6000 plows were manufactured by that firm.<sup>137</sup> Freeborn continued to manufacture plows based on Wood's second patent, and these plows were known either as Wood's or Freeborn's plows when exported to the Baltimore and Richmond



markets.<sup>138</sup> Although Wood's plow received praise in the agricultural journals,<sup>139</sup> it was rarely entered in Virginia area plow contests, and when it was, such as the Army's trial arranged by Davis, it was bested by local entrants.<sup>140</sup> Nevertheless, based on the number of dealers and the duration of their advertisements, many were used.

Like Davis and McCormick, Wood was beset by imitators, resulting in consuming litigation. In 1820, Charles Wood and Gilbert Brundage were issued a patent for a plow.<sup>141</sup> Jethro Wood believed their patent infringed upon his, and filed suit in federal court, seeking the repeal of their patent under the summary process described in the 1793 Patent Law. Wood and Gilbert, the defendants, moved to have a record made of the proceedings, which the judge denied on the basis that these were deemed summary proceedings to repeal the patent, not a determination on the validity of the patent. After the judge ordered the defendants' patent repealed, the U.S. Supreme Court reversed, instructing the trial court to make a record of the summary proceedings, which were deemed only preliminary to a trial on the validity of the patent.<sup>142</sup> Although the opinion was written by Justice Story, Chief Justice Marshall participated. This was his introduction to plow patent litigation, and while this case was resolved on a procedural question, when McCormick and Davis brought their case before him several years later, he would have been aware that they were not the only persons claiming to have invented the cast iron plow.

Most of Jethro Wood's legal battles were in New York, and he apparently never asserted that either McCormick or Davis were infringing on his patent. Their patents, of course, had been issued prior to his 1819 patent. While Wood is often credited with the "invention" of the cast iron plow based on that 1819 patent, there were earlier cast iron plows. He is also credited with replaceable parts, although he did not cite that as his innovation in his patent petition. He did, however, vigorously promote his plow, especially by licensing its manufacture and sale in New York. His influence on plows in Virginia took a particularly circuitous course.

In 1825, Benjamin F. Avery came to Virginia. A native of Aurora, near Scipio in Cayuga County, New York, he had been admitted to the bar of New York, but chose to forsake law to make plows. He brought with him plow patterns which he had purchased from Jonathan Swan. Years later, Avery stated, "I derived my right to make



the cast iron plow from Jonathan Swan, from whom I procured the patterns I first brought to Clarksville, Virginia. Swan was then, as I suppose and believe, a partner of Jethro Wood in the patent. He subsequently lost his interest in it."<sup>143</sup>

Avery entered into a partnership with Caleb Richmond, and the two established a foundry in Clarksville, Mecklenburg County in southside Virginia, where they made and sold plows.<sup>144</sup> After several years, however, when their lease was not renewed, Avery and Richmond moved across the state line and established a second foundry in Milton, Carswell County, North Carolina. Two years later, again finding themselves at the mercy of an uncooperative landlord, the partners returned to Virginia, leasing a site for a term of ten years in Meadville, Halifax County.<sup>145</sup>

Avery expanded again in 1832, when he and James Gibson entered into an agreement to lease a tract for a foundry from John McCown. The site adjoined McCown's blacksmith shop on the South River in Rockbridge County,<sup>146</sup> about seven miles downstream from the Vesuvius Furnace.<sup>147</sup> The following spring, Schuyler Bradley, another native of Cayuga County, became the founder at the Rockbridge foundry, executing a note promising to pay Avery and Gibson \$2000.<sup>148</sup> A year later, the firm of "Avery and Bradley" gave a promissory note to Charles Maurer, apparently for "instruction in the art and business of casting pipes."<sup>149</sup> It is not clear how directly Avery was involved in the Rockbridge foundry during this period. In 1921, Herbert A. Kellar, director of the McCormick Library in Chicago, was shown an agreement dated 1836 pertaining to the dissolution of a plow manufacturing business conducted by John McCown, Schuyler Bradley and Benjamin F. Avery, but that document has not survived.<sup>150</sup> (As far as is otherwise documented, McCown's involvement in plow manufacturing was solely as a landlord, although his shop with its tilthammer may indeed have participated.) During this period, Bradley was acquiring a reputation as a skilled plowmaker.<sup>151</sup> He gave a promissory note to Edward and Matthew Bryan, owners of Vesuvius Furnace, in July, 1837,<sup>152</sup> executed an agreement with the Bryans later that year whereby the Bryans were to provide "three tons forge pigmetal" in return for castings,<sup>153</sup> and purchased pig iron from McCormick and Black, Cyrus McCormick's Cotopaxi Furnace operation.<sup>154</sup> Probably Avery had financed Bradley's operation, but became involved in daily operations only later.



Avery was still involved in the Meadville operation. Also, in March, 1834, he entered into an agreement with Michael and Edward Tarwater to establish another foundry in Clarksville. That partnership was terminated, however, in 1836.<sup>155</sup> Years later, Avery claimed that the plow manufactured while a partner with the Tarwaters was one upon which the patent issued to Jethro Wood was entitled to be enforced, but that the Tarwaters had derived no right from Avery to manufacture that plow after the dissolution of their partnership, and that he had paid to Wood's heirs, "or rather to their authorized agent at Aurora [NY], an amount, in full of all claims of the said heirs against me."<sup>156</sup>

It is likely that the Meadville and Rockbridge foundries were also producing plows from these patterns, too. By this time, both Benjamin and his brother Sidney were in Halifax County.<sup>157</sup> In 1840, Thomas H. Tatum, agent for Benjamin Avery, placed an ad in the *Danville Reporter*, offering "very superior Ploughs and Points of every description."<sup>158</sup> By that year, another brother, George, was also in Halifax.<sup>159</sup> In January, 1841, Benjamin sold two lots in Meadville to George, and in April, Benjamin Avery and Caleb Richmond conveyed their lease on the foundry to George Avery, who operated the foundry thereafter.<sup>160</sup> Benjamin then joined Schuyler Bradley in Rockbridge.

The fourteen year term of Jethro Wood's patent would have expired in 1833, but in 1832 he succeeded in obtaining a fourteen year extension by special act of Congress.<sup>161</sup> He died, however, in 1834. His heirs continued their legal efforts to enforce the patent in New York. In 1845, they finally received a jury verdict from the United States Circuit Court.<sup>162</sup> But since the extension of Wood's patent was about to expire, the heirs sought another extension from Congress, an unsuccessful effort waged over several years which provoked a flood of petitions in opposition.<sup>163</sup>

As some of the petitions intimated, Wood's heirs had moved aggressively against plowmakers after the Albany verdict, mostly in New York. But in June, 1846, Phoebe and Sylvia Wood, the administrators of the estate of Jethro Wood, gave a power of attorney to John Dixson of New York to settle all claims against persons in the state of Virginia. Dixson, in turn, empowered George Avery, Benjamin's brother who owned the Meadville foundry, to settle and adjust all claims in certain counties in Virginia, including Mecklenburg. George





Avery approached a number of plowmakers, demanding payment for damages done by infringing Wood's patent, displaying the decision of the federal court in New York, and asserting that Benjamin Avery had acknowledged the validity of the claims and had compensated the heirs. Among those approached were the Tarwaters, who, to avoid the cost of litigation, gave George Avery a bond for \$150, which Avery said would be in full settlement of all claims which the Wood estate might have against them. Shortly thereafter, however, the Tarwaters saw a notice in the Richmond newspapers placed by Sylvia Wood,<sup>164</sup> warning that no one was authorized to receive payments, thus revoking Dixon's power of attorney, and the Tarwaters refused to honor the bond. George Avery died without collecting. George Avery's wife was his executrix. She had judgment entered on the bond, and the Tarwaters sought to void the judgment by a suit in chancery. The action on the bond had been brought in the name of George's wife as executrix, but she and the Wood sisters acknowledged that the sisters were the true parties in interest, and asked that they be made defendants in the chancery suit. Sylvia Wood offered to compromise on the bond, but by this time the Tarwaters were convinced that the Wood claim was invalid. The case was eventually dismissed after many years to clear the docket.<sup>165</sup>

The Wood heirs may have pursued plowmakers in other regions of Virginia, but if so, the claims were resolved without litigation. The influence of the Wood plow through the Avery southside plow manufactories was limited, never moving past local markets. This was not true of the Rockbridge foundry. By 1841, Schuyler Bradley was in financial trouble, with a host of judgments entered against him.<sup>166</sup> In what appears to be a refinancing of his operation, Bradley on 10 September 1841 conveyed by deed of trust for the benefit of Benjamin Avery

11,240 lbs of plough castings of various kinds, 10 sets of wagon boxes, 1318 lbs of holloware & andirons, 3280 lbs of machine castings, 2 ½ tons of pig iron and scraps, all of which are now at the Foundry of the said Bradley on the South River ... also the unexpired lease of the Foundry ... which expires in October, 1848 ... as described in an article of lease from John McCown to James Gibson and Benjamin F. Avery (from whom the said Bradley leased) dated 30<sup>th</sup> October 1832 ... also a quantity of patterns and flasks & all the tools used in prosecuting the business of the Foundry ... and various personal property including a Negro woman named Rachel, 25 volumes of books ... . "<sup>167</sup>



### VESUVIUS FOUNDRY.

**T**HE subscriber has erected a foundry at Vesuvius Furnace for the double purpose of making all articles usually executed at foundries; and of manufacturing the Livingston county Plow. This plow was first used in the county of Rockbridge but little more than one year ago; since then, many of our most intelligent farmers who have had an opportunity of testing it, have given the strongest testimony of its value as a cheap, efficient, and strong article—indeed it is believed that *all*, without a single exception, who have purchased and tried this plow during the past year, have been highly pleased with its operation, and have been generally convinced that it will soon supercede all others now in use. The patterns which the subscriber now has, were made by the Patentee during the past year, expressly for the State of Virginia; and are believed to be an improvement upon the form of his first pattern; particularly in having a stronger turning power. The old patterns for the points and slides of this plow, and all the patterns for the self-sharpening plow, are at this foundry: also a complete set of patterns for the Threshing Machine Horse Power formerly made by Mr. Bradley. All kinds of iron turning neatly executed. The foundry will be under the management of Mr. Schuyler Bradley, whose reputation as a moulder is a sufficient guaranty that all jobs will be neatly executed. In asking a share of the public patronage for this foundry, the subscriber relies entirely upon these facts; that *all* his flasks and most of his patterns are new; that his materials and workmen are the very best in the valley; and that he is determined to spare no expense to make it in all respects such an establishment as will meet the wants of this community.

MATTHEW BRYAN.

March 16, 1843.—12m

Staunton Spectator will copy one year.

*Announcement that Matthew Bryan and Schuyler Bradley would be manufacturing the Livingston County Plow at the Vesuvius Furnace. Lexington Gazette, 29 February 1844. Special Collections, Leyburn Library, Washington and Lee University.*

Even debts due Bradley were signed over to Avery.<sup>168</sup> Avery assumed control of the foundry in his own name, and in February, 1842 introduced Wiard's Livingston County Plow "manufactured on the South River, Rockbridge County, 7 miles N.E. of Lexington."<sup>169</sup>

The Wiard family were plowmakers in East Avon, Livingston County, New York, west of Cayuga County.<sup>170</sup> According to an unpublished monograph in the New York State Museum, Thomas Wiard Sr., was making plows about 1806, and in 1815, he purchased castings from Jethro Wood, adding the wooden beams and handles in his blacksmith shop. About 1819, Wiard erected a foundry, made patterns, and began manufacturing the entire plow.<sup>171</sup> By the 1830s, his son Thomas, Jr., was working in his foundry. Around 1840, he introduced a plow which he called the Livingston County Plow. It received prizes at plow contests in

Ontario and Onandaga Counties.<sup>172</sup> He licensed other manufacturers to make his plow, including Howard Delano of Mottsville, N.Y.,



and a version made by Delano which included a circular coulter won the first premium at the first state-wide fair held by the New York State Agricultural Society on September 30, 1841.<sup>173</sup> Wiard capitalized on this award by seeking and receiving a patent,<sup>174</sup> and by selling rights to the plow.<sup>175</sup> The Livingston County Plow continued to receive premiums at fairs in Oneida County,<sup>176</sup> and Ontario County<sup>177</sup> in New York. In a report in the *American Agriculturalist*, a correspondent noted, "I saw one of the Livingston County plows at Niblo's, but it was not taken over to Paterson [NJ]. It is a favorite plow in western New York, and has taken numerous premiums; it should have been tried here."<sup>178</sup>

There is no proof of any infringement action taken by the Wood heirs against the Wiards, although they, like many other plowmakers, may have settled. The Woods and Wiards were certainly aware of each other.<sup>179</sup> The Livingston County Plow was acknowledged at the time as

an improvement based on Wood's plow,<sup>180</sup> even by the Wood sisters.<sup>181</sup> And the Wood heirs did demand and receive royalties from Howard Delano, Wiard's licensee and manufacturer of the Livingston County Plow, which won the premium at the 1841 State Fair.<sup>182</sup> All of the Wiard brothers were signers of petitions opposing the extension of the Wood patent in 1848.<sup>183</sup>

In Virginia in 1842, however, Benjamin Avery faced no impediments introducing the new plow. He began with a marketing flurry, placing an advertisement in the newspaper published in the county seat of Lexington which was to run

**Wiard's Livingston County Plow,**  
AND  
**Snider's Self-sharpening Plow.**  
*Manufactured on the South River, Rockbridge  
County, 7 miles N. E. of Lexington,*

**A**RE now offered to the public at the same  
prices charged by their inventor, and the  
manufacturers at the North.

**PRICES.**

The Livingston county No. 3 right handed,	\$7 50
do No. 4 right and left handed	8 00
Landside 75c, Slide 50c, Point 50c,	
The Self-sharpener, right and left handed,	9 00
Landside \$1, cutter, wing and point each,	31
Hillside Plough	10 00
Point,	75
No. 1, a one horse Plow,	4 00
Landside 37c, Slide 25c, Point 25c.	
Each Plow is sold with an extra point and the self-sharpener with an extra wing.	
Ten per cent discount upon all cash sales of plows made at the foundry. All kinds of Cas- tings usually made at foundries, such as Mould- boards, Andirons, Threshing Machine Castings. Mill Irons, &c. &c. sold at five cents per pound, Turning both wrought and cast iron executed in the neatest manner. BENJ. F. AVERY.	
South-River, Feb. 3, 1842.	1y

*First Advertisement in Virginia for the  
Livingston County Plow, offered in 1842 by  
Benjamin F. Avery. Lexington Gazette, 17  
February 1842. Special Collections, Leyburn  
Library, Washington and Lee University.*



for an entire year.<sup>184</sup> Four months later, this four inch ad was supplemented by two full columns of testimonials from farmers and prominent citizens of Rockbridge and neighboring Amherst Counties. Some praised the Livingston County plow, comparing it favorably against Stephen McCormick's plow. Others cited the skill of Schuyler Bradley, who remained as the founder.<sup>185</sup> Avery also expanded distribution, enlisting the merchant firm of Walton and Fuqua in Lynchburg, a town on the James River about forty miles away from the foundry, to stock the Livingston County plow.<sup>186</sup> This promotion surpasses anything Avery had initiated at any of his earlier foundries, and evidences his commitment to the Rockbridge operation on the South River.

Two events altered that commitment, however. In January, 1842, Benjamin's father, Daniel, died in Aurora, leaving his estate to his thirteen surviving children. Benjamin had to return to New York as the executor.<sup>187</sup> And on 13 July 1842, a huge storm, or freshet, washed away the foundry and McCown's tilt hammer.<sup>188</sup> Avery sold his interest in the foundry, including the rights to manufacture the Livingston County plow, to Matthew Bryan, the owner of the Vesuvius and Cotopaxi iron furnaces.<sup>189</sup> Vesuvius Furnace was located about seven miles upstream on the South River.

Avery's involvement in Virginia, and with the Livingston County plow, did not end with the sale of the Rockbridge foundry. He had left accounts and notes due him with Compton and Taylor, a Lexington merchant, for collection.<sup>190</sup> Following his marriage to Susan Look in Utica, N.Y. in 1844, he apparently resided for a time in Lynchburg, where his first daughter was born.<sup>191</sup> Later that year, he filed suit against the Tarwaters, his erstwhile partners in the Mecklenburg foundry.<sup>192</sup> He also maintained ties with his brother, George, in Meadville, and his protégé, Schuyler Bradley, in Rockbridge.<sup>193</sup> For several months in 1848, Susan Avery was in Northern Virginia, writing Benjamin from Chesire and The Shelter, two plantations in that area, and her father considered purchasing Sudley, another large farm in the vicinity.<sup>194</sup>

After his return to New York to serve as executor of his father's estate, Benjamin Avery had assisted a nephew, Daniel H. Avery, in acquiring the rights to make and sell the Livingston County plow in other Southern states. After two years of "indifferent success," in Louisville, KY, Daniel turned to him again. Benjamin quickly concluded, however, "that it will be impossible for us to be associated in business together,"



and presented two proposals to Daniel: Upon acceptance of either, “you are to deed to me your entire interest in the patent rights of the Livingston County plow, reserving to yourself the right (not to be delegated to another) of making and selling said plow in any of the territory you now own, out of the city of Louisville.” In addition to Daniel’s “indifferent success,” Benjamin recited a variety of causes for dissolving the association, including Daniel’s resentment over Benjamin’s estate administration, Daniel’s “habits of dissipation,” including his “departure from the principal of total abstinence,” his opinions on religious persons and the “lack of virtue in all females, not excepting one,” and a series of personal insults before business colleagues and subordinates. Benjamin concluded, “In one word, Daniel, you are both treacherous and vain, and I do not like you.”<sup>195</sup> Daniel accepted the inevitable, and moved to Tuscaloosa, AL, where he was a partner in an agricultural supply business, Leach and Avery. Although that firm manufactured plows, it did not advertise the Livingston County plow.

Initially, Daniel and Benjamin had promoted the Livingston County plow in Louisville.<sup>196</sup> It soon became apparent, however, that the poor quality of the plows made by Daniel had tainted their reputation.<sup>197</sup> Upon the dissolution of the partnership, Susan Avery suggested recruiting Schuyler Bradley as a new partner.<sup>198</sup> That did not occur, probably because Bradley’s wife, Sarah, was ill.<sup>199</sup> (She died in August, 1849.<sup>200</sup>) Avery did employ Thomas Wiard, the inventor of the Livingston County plow, who moved to Louisville and became the superintendent of Avery’s plow factory.<sup>201</sup> But Avery discarded the trade name, selling “Avery’s Louisville,” or “Avery’s Cast Plows.”<sup>202</sup>

Before his death in 1849, Benjamin’s brother George apparently produced Livingston County plows in Meadville,<sup>203</sup> although they may have been known locally as the Meadville plow.<sup>204</sup> The Rockbridge foundry, however, was the primary manufacturer. Even before the flood in 1842, the Livingston County plow was receiving acclaim in that area.<sup>205</sup> The new owner, Matthew Bryan, had extensive experience in the iron industry. He had worked at the nearby Lebanon Forge when his brother Edward was co-owner in 1832.<sup>206</sup> Edward and Matthew Bryan bought Vesuvius Furnace from Thomas Mayburry in 1833.<sup>207</sup> Following Edward’s death in 1838, Matthew continued to operate Vesuvius Furnace, quite successfully.<sup>208</sup> The nearby Cotopaxi Furnace had been built by Cyrus McCormick and his father. Their venture was a financial disaster.<sup>209</sup> In 1841 they leased Cotopaxi



to Bryan, and a year later sold it to him.<sup>210</sup> Thus, Bryan's experience included furnaces (which smelt iron ore to produce pig iron and occasionally castings such as hollowware and plows), and forges (which reheat pig iron to a plastic state and hammer the pig iron into wrought iron products.) He now owned a foundry which reheated pig iron to a liquid state and cast the molten iron into products like plows. The foundry, however, was only a small part of his iron empire.<sup>211</sup>

Since the Avery foundry had been washed away by the flood, what Bryan acquired was the right to make the Livingston County plow, the flasks and patterns for that plow and probably other products, and perhaps most significantly, the expertise of Schuyler Bradley, the founder, the skilled workman who supervised casting. The foundry itself was relocated to the Vesuvius Furnace.

The relationship of Bryan and Bradley is unclear. Bryan's initial newspaper advertisements imply Bradley was an employee.<sup>212</sup> The following year, advertisements in Lynchburg referred to "Bryan and Bradley."<sup>213</sup> Several months later in Staunton it was "M. Bryan and Co."<sup>214</sup> There was an agreement in 1843, perhaps the contract for Avery's sale to Bryan.<sup>215</sup> In 1846, Bryan bought out Bradley for \$1,600, payable in two years, and that agreement stipulated "Bradley is to work in the foundry as a hand and superintend all the business in the said foundry as he has done heretofore for the next two years."<sup>216</sup> In 1847, there were discussions whereby Bradley was to purchase "the entire interest and right in making and vending the Livingston County Plough, together with all the plough patterns and flasks belonging to Bryan and Bradley" for \$3,000.<sup>217</sup> But this agreement was not executed, and the following year the two agreed "to operate a foundry together at Vesuvius Furnace for the purpose of making the Livingston plow castings ...." This time, however, Bradley's responsibilities were more carefully defined: "to attend punctually to the making of the castings, selling, and keeping the books *but not to labor as a hand unless he wishes to do so.*" (Emphasis added.)<sup>218</sup> Then in 1849, Bryan and Bradley agreed to form a partnership for a term of five years, with provision for periodic statements of account.<sup>219</sup> In March, 1853, however, Bradley agreed to pay Bryan \$2,500 per year rent for the next two years, and to take all his pig iron from Vesuvius.<sup>220</sup> Whatever the legal relationship between Bryan and Bradley was, Bryan was the public face.





The reputation of the Livingston County plow was growing. In 1849, it was awarded a premium as the best plow at the Albemarle Agricultural Fair.<sup>221</sup> It was described as the favorite implement in Nelson County in 1850.<sup>222</sup> And a Rockbridge farmer declared in 1851 that "in most cases, the 'graceful Livingston' is all you could desire."<sup>223</sup> While Avery had advertised the plow for sale at the foundry, he had also begun to place it with merchants.<sup>224</sup> His successors significantly increased the network of agents.<sup>225</sup> After the 1849 agreement, the geographic market also increased dramatically, including Rockingham and Shenandoah Counties to the north, Albemarle, Madison and Greene Counties on the eastern slope of the Blue Ridge, and as far east as Fredericksburg and Richmond.<sup>226</sup> Merchants sought to acquire the agency for the Livingston County plow. J.B. Jones of Rappahannock County wrote Bryan, "A friend or acquaintance of ours from the county of Madison has been speaking to us today of some ploughs made by you called the Livingston County Plough. He represents they are superceding all other in his county." Jones went on to request that he be Bryan's agent under the same terms as George Harrison, the agent in Madison County.<sup>227</sup> F.H. Hill of Madison County wrote a letter of reference for William F. Nichols of "Rapid Ann" (Rapidan), who successfully became Bryan's agent in that region.<sup>228</sup>

A twist on the usual testimonial was suggested by John Wood of Albemarle County:

At our March Court on Monday last, I met with the editor of the *Southern Planter*, to whom I had sold several of your plows. He is an extensive farmer and a man of Judgment and I think he is disposed to give your plow the preference, firstly because he considers it a most excellent article, and secondly because it is a Southern production. He thinks it would be to your interest to advertise the Plow in his paper, which has a very extensive circulation – and I wish you to send me any information that you have on the subject as to the history of the Livingston Plow generally in order that a piece may be written for the *Southern Planter* setting forth its merits, and at the same time we wish to give you credit for your enterprise in introducing in the face of much prejudice, a useful implement to the farmers of Virginia. Mr. Ruffin (the Editor) thinks that with a little effort the Livingston Plow might be extensively introduced into Lower Virginia.<sup>229</sup>

In the next issue of the *Southern Planter*, an anonymous letter from "W" appeared:



Many of the best farmers, both in Augusta and Albemarle, will coincide with me in saying that all the combined requisites of a good implement, suited to our land and our general wants, the cast plow known as the Livingston County Plough, is unsurpassed. As compared with the M'Cormick Plough, the best article in general use previous to the introduction of this cast plough, the saving in cost is fully one-third, if not more. ... This is a Virginia manufactured article, and I think the enterprising gentleman, who, contending against great prejudice and difficulty, has succeeded in establishing on a large scale, in the county of Augusta, a furnace and factory for the construction of these ploughs, is justly entitled to the character of a public benefactor – while at the same time, I am happy to state, but unlike many other manufacturing enterprises in Virginia, this one has paid well, and the demand for this plough is large and increasing. ... The Livingston Plough, from the fact that it has not a single screw or particle of wrought iron about it (Unless it be in the clevis) combines a degree of simplicity and cheapness that I have never known in any other plough, foreign or domestic.<sup>230</sup>

Certainly not by coincidence, a few pages later appeared an advertisement for the Livingston County Plough, which continued for many months thereafter.<sup>231</sup>

In March, 1854, Matthew Bryan died intestate. His extensive business interests were outweighed by his debts. The court appointed administrator of his estate, Samuel McDowell Moore, noted in an undated memorandum:

The children of Bryan are now dependent on the charity of their relations, without a copper derived from their father's estate to support them. ... It is proper for me to state that Mr. Bryan's estate will almost certainly fall short of paying its liabilities. ... Mrs. Bryan's interest in the proceeds of her husband's lands amounts to between five and six thousand dollars; the creditors are therefore not disposed to enter into any great liberality toward her.<sup>232</sup>

Moore sought guidance from the court in disentangling Bryan's business affairs, including his venture with Bradley. In that suit, Bradley was nominally a defendant, but he concurred in the administrator's goal.<sup>233</sup> Initially, Bradley considered selling the foundry:

As surviving partner of the Foundry Business by M. Bryan and Schuyler Bradley, I will on Saturday, 13<sup>th</sup> May sell all the Flasks and Patterns belonging to said concern, consisting of an assortment of Livingston County plow flasks and patterns .... Also the unexpired term of the right to make, use and vend to others to be used the Livingston County Plow for a large portion of the State of Virginia until the 15<sup>th</sup> of April 1856, at which time the Patent Right expires.<sup>234</sup>



No sale resulted, and by October, when the Vesuvius property was advertised by another of Bryan's partners, Lorenzo Shaw, it included "a FOUNDRY now in operation paying an annual rent of \$2500."<sup>235</sup> At the sale in November, 1854, Bradley was the successful bidder for the Vesuvius property, which included the foundry.<sup>236</sup> The following spring, Bradley again advertised the foundry for sale.<sup>237</sup> It is unclear whether Bradley's attempts to sell reflect his desire to exit the business or were part of the continuing effort to liquidate Bryan's business interests to satisfy his creditors.

While as Bradley noted, the patent protection for Wiard's plow was about to expire, his Livingston County plow was still highly regarded. It had won a premium at the Virginia State Agricultural Fair in Richmond in November, 1853.<sup>238</sup> The "Improved Livingston Plow" was being widely advertised by dealers.<sup>239</sup> As noted by a prominent Rockbridge County farmer:

The best plough we have is one introduced some fifteen years since, of various numbers, from 1 to 4, by S. Bradley & Co., and called the Livingston Plough. It is simple in its construction, and can be kept in order by any ordinary ploughman. They are also cheap, ranging from \$4 to \$8.50 cash, for one, two, and three horses. They have been put in competition with many of the best ploughs from the North; and our real practical men say, taking all things into account, they are equal, if not superior to any plough ever introduced here. ... I have seen none that I consider superior to the Livingston County plough.<sup>240</sup>

Bradley himself described his achievement in a letter to Samuel McDowell Reid, a member of the Virginia House of Delegates:

You are aware of the fact that I am engaged in the manufacture of plows, and that a large number of farmers in this and the surrounding counties are dependent on me for their plows and points. You also know that the introduction of the Livingston County plow has in a great degree taken from the hands of Black Smiths the furnishing the farmer with plows and placed it in the hands of a new lot of laborers, to wit, foundry men. I have for years to a great extent supplied the counties of Rockbridge, Augusta, Albemarle, Greene, Orange, Madison, Nelson, Amherst, Campbell, Bedford, Buckingham, and to some extent other counties with plows. ...<sup>241</sup>

In 1858, Bradley and his brother in law, William A. Donald, purchased 10,000 acres, including the Vesuvius Furnace property, from Bryan's administrator.<sup>242</sup> Their intention was that Bradley would



be the sole owner of the foundry, with Donald owning the balance of the property. This was accomplished several years later with an exchange of deeds.<sup>243</sup>

Between 1820 and 1860, there were, of course, Virginia plowmakers other than McCormick, Davis, Avery, Bryan and Bradley.<sup>244</sup> Jacob Rivercomb, who had competed with Stephen McCormick in the 1820s, was still making plows in 1863,<sup>245</sup> although he always manufactured on a small scale. James Trimble, who purchased some of his castings from Vesuvius, was another local plowmaker in Augusta County.<sup>246</sup> The Rockbridge Foundry Machine Works on Irish Creek, a few miles from Vesuvius, initially owned by the Leyburns, and later by Taylor & McDowell, offered plows with other agricultural equipment.<sup>247</sup> Jordan's Foundry, another Rockbridge foundry, claimed to manufacture "the best ploughs that were ever made."<sup>248</sup> But the most widespread cast iron plows during this period were Stephen McCormick's and the descendants of Wood's, especially the Livingston. And after the expiration of the patent period, merchants were able to offer "improved" versions of the McCormick, Davis and Livingston plows without patent infringement.<sup>249</sup> The Rockbridge Foundry, now owned by Taylor and Humphries, manufactured the Livingston plow in 1858.<sup>250</sup>

Two Richmond plowmakers are especially noteworthy. George Watt, a native of Hanover County, was in Alabama when he conceived his "Cuff Brace and Gauge Plough."<sup>251</sup> He received a patent in 1842, five days before Thomas Wiard received his patent for what became known as the Livingston County plow.<sup>252</sup> Watt initially designated John Haw of Hanover County as his agent for Virginia.<sup>253</sup> Later, he established a factory in Richmond.<sup>254</sup> During the 1850s, Watt received two more patents.<sup>255</sup> Another Richmond plowmaker, Patrick Henry Starke, established a foundry in Richmond in 1849, although he initially cast plows from nonproprietary patterns. He received his first patent in 1860.<sup>256</sup> After the Civil War, Starke received four more patents. Starke's Dixie Plow, Watt's Cuff Brace Plow, and the Livingston County Plow were the major plows of Virginia manufacture in the decades after the War.

So by the eve of the Civil War, the cast iron plow was well established in Virginia. Significantly, as Bradley noted, production of plows had migrated from the local blacksmith and carpenter to the more



specialized plowmaker, where castings allowed production of identical plows in higher quantities. This in turn contributed to the change in the channels of distribution. Plows were shipped greater distances, and stocked and sold by merchants in addition to manufacturers. And although inventors continued to seek patents for their improvements in plows, the courts had demonstrated that patent “protection” was less effective than a trade name or reputation.

### Epilogue

By 1850, Stephen McCormick had apparently ceased manufacturing plows.<sup>257</sup> His design, however, remained in use.<sup>258</sup> But McCormick himself, according to his daughter, “being a very poor business man, instead of making money, lost everything he had.”<sup>259</sup> On October 14, 1863, a skirmish between Union and Confederate forces took place at his farm in Auburn, Fauquier County. Robert Knox Sneden mapped the engagement, and sketched McCormick’s house, which he described as “occupied by McCormack [sic], a very old man, and a white haired Negro... .”<sup>260</sup> McCormick died in 1875 at the age of ninety-one.<sup>261</sup>

Gideon Davis’s design remained in use well into the 1840s, too, but manufactured by others.<sup>262</sup> In 1834, Davis moved to Belmont County, Ohio.<sup>263</sup> His shop in Georgetown had closed by 1835,<sup>264</sup> although his son Rodney continued to operate a foundry at that location until relocating to the Quaker settlement at Goose Creek in Loudoun County about 1840.<sup>265</sup> Gideon Davis’s date of death is unknown.

After assuming control of the plow business in Louisville from his nephew, Benjamin Avery expanded the operation quickly. His foundry and plow manufactory was the largest in Louisville by the time of the Civil War. Avery, whose market was the South, was a Unionist, and his location in a border state which remained in the Union necessitated suspending operations during the War. Later, he resumed operations, and by 1886 the company, now called B.F. Avery & Sons, was described as “the world’s largest manufacturer of plows.” Avery died in 1885. The company expanded its product line into other tillage instruments, and eventually manufactured its own tractor. B.F. Avery & Sons merged with Minneapolis Moline in 1951, and the Louisville factory was closed four years later.<sup>266</sup>

Like Avery, Cyrus McCormick left the Valley to make his for-



tune, relocating to Chicago in 1847. He concentrated on the reaper, vigorously litigating with his competitors. He died in 1884. His company, the McCormick Harvesting Machine Co., merged with other manufacturers to form International Harvester in 1902. That company became part of Tenneco in 1984. Cyrus McCormick may have had a lingering role on the plow in Virginia. As an elderly man in 1920, Charles P. McWane claimed that his father, James McWane, a miller and blacksmith in Massie's Mill in Nelson County, about fifteen miles to the east of the McCormick farm, had worked with Cyrus McCormick,<sup>267</sup> possibly on both the reaper and the plow.<sup>268</sup> Charles P. McWane moved to Wytheville before the Civil War, and in 1871 he started a foundry which manufactured plows. His sons, Henry E. McWane and James R. McWane, were among the organizers of the Lynchburg Plow Company, which became the Lynchburg Foundry Company. That company manufactured plows until 1953.

By the Civil War, Schuyler Bradley had become a respected Virginian. When the War broke out, his son Benjamin joined the Confederate Army and was killed at Manassas.<sup>269</sup> Schuyler Bradley continued to operate the foundry, protesting as his skilled workers were called into military service.<sup>270</sup> In April, 1862, he was appointed to a committee organizing the "Free Fighters" in Augusta County, a home guard unit.<sup>271</sup> But in August, 1862, he resigned as a justice of the peace, and the following May sold his property, including the foundry, the now inactive smelting furnace, and the plow drawings and molds, to Hugh F. Lyle.<sup>272</sup> Bradley left Virginia, moving to Syracuse, New York, where he became a partner in Alexander, Bradley and Dunning, stove manufacturers. He died in 1886.<sup>273</sup>

Hugh F. Lyle continued to operate the foundry in Rockbridge County, eventually selling it to William S. Humphries.<sup>274</sup> The Humphries family operated the foundry, as the Vesuvius Plow Company, until 1954. At that time, it was the longest lived business in Rockbridge County.

### Endnotes

<sup>1</sup> See Liam Brunt, "Mechanical innovation in the industrial revolution: the case of plough design", *Economic History Review*, LVI (2003) 444; Peter D. McClelland, *Sowing Modernity* (Ithaca: Cornell University Press, 1997) 35-40.

<sup>2</sup> *Genesee Farmer*, March 1849, p. 61; see also A.B. Allen, *The Improvement of the Plow in the United States*, Transactions of the New York State Agricultural Society, Vol. VI (Albany: Van Benthuysen & Co., 1847) 229.

<sup>3</sup> Thomas Jefferson to John Taylor, 28 December 1794, Julian P. Boyd et al, ed., *The Papers of Thomas Jefferson* (Princeton: Princeton University Press, 1950) 28: 233-234.





<sup>4</sup> Lucia Stanton, *A Little Matter: Jefferson's Moldboard of Least Resistance*, Chronicle of the Early American Industries Association, Vol. 58, No. 5, March 2005, 3.

<sup>5</sup> Patent No. 177X, 26 June 1797, Name and Date Patents, July 31, 1790 – July 2, 1836, (U.S. Patent and Trademark Depository Library Program: 1999) (hereafter Name and Date Patents.) After the Patent Office was destroyed by fire in December, 1836, efforts were made to “reconstitute” early patents, which were assigned numbers ending in “X.” Previously, patents were not assigned numbers.

<sup>6</sup> *Farmers Register*, Vol. 10, 30 June 1842, p. 264.

<sup>7</sup> *Southern Planter and Farmer*, Vol. 40, May 1879, p. 249.

<sup>8</sup> Patent No. 743X, 1 April 1807, Name and Date Patents.

<sup>9</sup> Report on Trial of Plows Held at Utica, by the New York State Agricultural Society, (Albany: Van Benthuysen & Sons: 1868) 66-69 (hereafter Report on Trial of Plows.)

<sup>10</sup> Jefferson to Charles Willson Peale, 13 June 1815, Edwin M. Betts, ed., Thomas Jefferson's Farm Book (Princeton: Princeton University Press, 1953) 59; See also Jefferson to Isaac McPherson, 13 August 1813, Merrill D. Peterson, ed., Thomas Jefferson: Writings (New York: Literary Classics, 1984) 186, 1292, in which Jefferson argues that “a ploughshare of cast rather than of wrought iron” was a mere change of material and should not give rise to a patent.

<sup>11</sup> U.S. Constitution, Article I, Section 8.

<sup>12</sup> Patent Act of 1790 (1 Stat. 109).

<sup>13</sup> Jefferson's role in the development of early legislation is discussed in E.C. Walterscheid, “Thomas Jefferson and the Patent Act of 1793,” *Essays in History* 40 (1998), <http://etext.lib.virginia.edu/journals/EH/EH40/walter40.html>, [5 April 2006].

<sup>14</sup> Patent Law of 1793 (1 Stat. 318). This was reversed in 1836, when the Commissioner of Patents was required to make an examination for patentability. (V Stat. Ch. 357, 24th Cong., 1st Sess.)

<sup>15</sup> *American Farmer*, Vol. 2, 13 October 1820, p. 231.

<sup>16</sup> Early Unnumbered United States Patents, 1790 – 1836, (Woodbridge CT: Research Publications, 1980.)

<sup>17</sup> Lewis Cecil Gray, *History of Agriculture in the Southern United States to 1860* (New York: Peter Smith, 1941) 170, 194, 794.

<sup>18</sup> Address by Willoughby Newton before the Virginia State Agricultural Society, 19 February 1852.

<sup>19</sup> *American Agriculturist*, Vol. 3, August 1854, p. 247.

<sup>20</sup> *American Agriculturist*, Vol. 6, December 1847, p. 374.

<sup>21</sup> Leander James McCormick, *Family Record and Biography*, (Chicago: 1896) 112.

<sup>22</sup> Depositions of John McDaniel, Henry Fitzhugh, Thomas Withers, and Elijah Ramey, Gideon Davis v. William Palmer and Stephen McCormick, United States Circuit Court Records, 1827 Ended Causes (unrestored), Box 231, Oversize File 2, Library of Virginia (LOV).

<sup>23</sup> Notice from an unidentified newspaper in the file of McCormick's petition to extend his patent, Senate Committee on Patents, 26A, G12, Folder 3, National Archives and Records Administration (NARA).

<sup>24</sup> Patent No. 3063 ½, 3 February 1819, Name and Date Patents; Specification forming part of Letters Patent, February 3, 1819, McCormick Collection, Mss J, Package 1, Wisconsin Historical Society (WHS), Madison, WI.

<sup>25</sup> Patent No. 2953X, 26 May 1818, Name and Date Patents.

<sup>26</sup> *American Farmer*, Vol. 2, 8 December 1820, p. 290. Note that “cheap” is not a pejorative; it meant economical.

<sup>27</sup> *American Farmer*, Vol. 3, 8 June 1821, p. 85. Another compliment appeared shortly thereafter. *American Farmer*, Vol. 3, 22 June 1821, p. 99.

<sup>28</sup> *American Farmer*, Vol.3, 12 October 1821, p. 229.

<sup>29</sup> *American Farmer*, Vol. 4, 5 July 1822, p. 119.

<sup>30</sup> McCormick to Davis, 15 January 1822, Davis v. Palmer and McCormick.

<sup>31</sup> Davis to McCormick, 19 January 1822, Davis v. Palmer and McCormick.

<sup>32</sup> *American Farmer*, Vol. 4, 5 July 1822, p. 116.

<sup>33</sup> *American Farmer*, Vol. 4, 4 October 1822, p. 221.

<sup>34</sup> *American Farmer*, Vol. 4, 29 November 1822, p. 283.

<sup>35</sup> *American Farmer*, Vol. 5, 23 January 1824, p. 345, reprinting an article from the Winchester Republican.

<sup>36</sup> *Genius of Liberty* (Leesburg), 16 November 1824, transcription by John and Bronwen Souders, [www.rootsworld.com/~valoudou/news/gen1824.htm](http://www.rootsworld.com/~valoudou/news/gen1824.htm).



<sup>37</sup> *American Farmer*, Vol. 5, 21 November 1823, p. 273.

<sup>38</sup> *American Farmer*, Vol. 6, 30 April 1824, p. 42.

<sup>39</sup> *American Farmer*, Vol. 6, 4 March 1825, p. 393.

<sup>40</sup> *American Farmer*, Vol. 4, 6 December 1822, p. 289; *Plough Boy*, Vol. 4, 24 December 1822, p. 236.

<sup>41</sup> Shortly after this Society was formed, it had considered establishing a factory for making plows and other agricultural implements. Minutes of the Albemarle Agricultural Society, 3 March 1818, Annual Report of the American Historical Association for the year 1918, Vol. I (Washington: GPO, 1918) 276. One suggestion was to utilize the state prison. Joseph C. Cabell to Samuel P. Parsons, 17 September 1818; Reply, 30 September 1818, N.F. Cabell Papers, Box 1, Folder 22 (Reel 287), LOV. Although not in league with the Albemarle Agricultural Society, the penitentiary did thereafter make and auction "large and small ploughs, Freeborn patterns." Richmond *Commercial Compiler*, 14 October 1822, p. 3, col. 5.

<sup>42</sup> Peter Minor to John H. Cocke, 15 December 1822, N.F. Cabell Papers, Box 1, Folder 22 (Reel 287), LOV.

<sup>43</sup> David Watson to Minor, 17 December 1822, Watson Family Papers, Mss. 530, Box 13, Albert and Shirley Small Special Collections Library, University of Virginia (hereafter Watson Family Papers.)

<sup>44</sup> Watson to Minor, 26 February 1823, Watson Family Papers, Box 13.

<sup>45</sup> Minor to Joseph C. Cabell, 24 August 1823, Watson Family Papers, Box 13.

<sup>46</sup> Minutes of Albemarle Agricultural Society, 9 November 1825, p. 312; *American Farmer*, Vol. 7, 25 November, 1825, p. 284.

<sup>47</sup> *American Farmer*, Vol. 8, 10 November 1826, p. 268.

<sup>48</sup> Minutes of Albemarle Agricultural Society, 27 October 1826, p. 328.

<sup>49</sup> Minutes, Rockbridge Agricultural Society, 29 November 1828, McCormick Collection, WHS.

<sup>50</sup> Senate Committee on Patents, 26A, G 12, Folder 1, NARA.

<sup>51</sup> *American Farmer*, Vol. 8, 28 July 1826, p. 145.

<sup>52</sup> Answer of Defendant, Stephen McCormick v. John Brier, Superior Court of Chancery for the Fredericksburg District, 1829 (Record 195-22).

<sup>53</sup> Documents in Cartmill & Wood v. Stephen McCormick, Botetourt County Circuit Court, Box 2, Folder 3. (1836).

<sup>54</sup> Depositions and pleadings in Stephen McCormick v. Jordan & Irvine, Rockbridge County Circuit Court (Chancery 1846-002); Stephen McCormick v. William Weaver, Rockbridge County Circuit Court (Chancery 1842-001), LOV.

<sup>55</sup> Stephen McCormick v. Crump & Co., Circuit Court of Law and Chancery of Spotsylvania, 1838 (Record 455-17).

<sup>56</sup> Notice dated 21 July 1827 in unidentified newspaper, filed in Cartmill & Wood v. McCormick.

<sup>57</sup> Peter Minor to John H. Cocke, 15 December 1822, Watson Family Papers, Box 13.

<sup>58</sup> Cartmill & Wood v. McCormick.

<sup>59</sup> *Virginia Gazette*, 15 August 1829, Senate Committee on Patents, 26A, G12, Folder 2, NARA; Stephen McCormick to George Burwell, 8 March 1830, Burwell Family Papers, Mss 1B 9585a, Folder 200-201, Virginia Historical Society (VHS), Richmond, Va.

<sup>60</sup> Edward Hall v. Stephen McCormick, Arlington County Circuit Superior Court (Chancery 1842-001) LOV; *American Farmer*, Vol. 12, 8 October 1830, p. 240.

<sup>61</sup> Richmond *Enquirer*, 24 December 1825, p. 4, col. 5 & 6.

<sup>62</sup> McCormick v. Crump & Co.

<sup>63</sup> Patent No. 4222X, 1 October 1825, Name and Date Patents.

<sup>64</sup> Richmond *Commercial Compiler*, 23 October 1822, p. 2, col. 5.

<sup>65</sup> Richmond *Commercial Compiler*, 22 March 1825, p. 1, col. 6.

<sup>66</sup> Broadside, 1825:2, 14 April 1825, VHS.

<sup>67</sup> Papers in Davis v. Palmer and McCormick. McCormick had requested his neighbor, Thomas Marshall, the son of Chief Justice John Marshall, to be his representative on the panel of arbiters, but Marshall declined. Thomas Marshall to Stephen McCormick, 31 December 1825, Senate Committee on Patents, 26A, G12, Folder 2, NARA.

<sup>68</sup> Richmond *Enquirer*, 24 December 1825, p. 4, col. 5&6. Palmer had been a partner with John Deakyn, and their firm had offered Freeborn, Wood, and Dagon ploughs. Richmond *Commercial Compiler*, 7 January 1825, p. 3, col. 3.

<sup>69</sup> Deposition of Elijah Ramey, Davis v. Palmer and McCormick.

<sup>70</sup> Richmond *Enquirer*, 31 January 1826, p. 4, col. 5; *National Intelligencer*, 8 February 1826, p. 2, col. 6.

<sup>71</sup> *National Intelligencer*, 21 February 1826, p. 3, col. 5.

<sup>72</sup> Cartmill & Wood to McCormick, 11 June 1826, filed with Cartmill & Wood v. McCormick.

<sup>73</sup> Cartmill & Wood to McCormick, 14 July 1826, filed with Cartmill & Wood v. McCormick.



<sup>74</sup> McCormick to Cartmill & Wood, 27 July 1826, filed with Cartmill & Wood v. McCormick.

<sup>75</sup> This was before the creation of the federal District Courts and the Courts of Appeal. Supreme Court Justices “rode the circuit,” presiding as trial judges in cases in their assigned areas, so this case was filed in the U.S. Circuit Court for the District of Virginia. See Charles F. Hobson, “John Marshall, Chief Justice, On Circuit in Richmond and Raleigh”, *Virginia Cavalcade*, Vol. 50, No. 1 (Winter 2001) 4.

<sup>76</sup> Davis v. Palmer and McCormick.

<sup>77</sup> Gustavus H. Schmidt, *Reminiscences of the late Chief Justice Marshall*, 1 Louisiana Law Journal 80, 91-95 (1841).

<sup>78</sup> Charles F. Hobson, Ed., Papers of John Marshall, Vol. XI (Chapel Hill, UNC Press, 2002) 16.

<sup>79</sup> Hobson, ed., 20-21.

<sup>80</sup> McCormick to Cartmill & Wood, 7 June 1827: Davis “has failed in his suit against me & the business is settled forever.” Notice in unidentified newspaper, 21 July 1827. Both documents in Cartmill & Wood v. McCormick.

<sup>81</sup> Spencer v. McCormick, documents in McCormick’s petition to extend his patent, Senate Committee on Patents, File 26A, G 12, Folder 2, NARA.

<sup>82</sup> Virginia Gazette, 15 August 1829, Senate Committee on Patents, 26A, G12, Folder 2, NARA.

<sup>83</sup> Gideon Davis to Rodney Davis, 24 February 1833, Rodney and Elizabeth Davis Papers, Thomas Balch Library, Leesburg, Va. (hereafter, Davis Papers.)

<sup>84</sup> Warrenton *Political Spectator*, 27 April 1833, Senate Committee on Patents, 26A, G12, Folder 2, NARA. While McCormick believed that Kemper fraudulently represented his product in Botetourt County to be Davis’s plow, Davis did not disavow Kemper in his letter, and this omission, combined with his friendship with Kemper’s father, suggests the younger Kemper had been dissembling.

<sup>85</sup> Gideon Davis to Rodney Davis, 7 March 1831, Davis Papers. (emphasis in original.)

<sup>86</sup> Gideon Davis to Rodney Davis, 27 August 1831, Davis Papers.

<sup>87</sup> McCormick v. Weaver.

<sup>88</sup> Jordan & Irvine to McCormick, 11 June 1827, requesting plow patterns. McCormick v. Jordan & Irvine.

<sup>89</sup> Fauquier County Deed Book 31, p. 16.

<sup>90</sup> Virginia Gazette, 15 August 1829, Senate Committee on Patents, 26A, G12, Folder 2, NARA; McCormick to George Burwell, 8 March 1830, Burwell Family Papers, VHS.

<sup>91</sup> Hall v. McCormick; *American Farmer*, Vol. 12, 8 October 1830, p. 240.

<sup>92</sup> Statement of Castings Received by Sinclair & Moore of Stephen McCormick’s Patent Ploughs, 1 March 1831, Senate Committee on Patents, File 26A, Folder 2, (NARA).

<sup>93</sup> Abram Howard, Virginia Herald, 16 January 1831, p. 4, col. 4; Michael Ames, Virginia Herald, p. 3, col. 4; W.B. Peake & Co., Virginia Herald, 26 March 1831, p. 4, col. 4; J.B. Fickley, Virginia Herald, 4 May 1831, p. 1, col. 4.

<sup>94</sup> Stephen McCormick v. Ambrose Barnett, Fauquier County Circuit Court (Chancery 1843-026), LOV.

<sup>95</sup> Gideon Davis to Rodney Davis, 16 March 1831, 27 March 1831, Davis Papers.

<sup>96</sup> Gideon Davis to Rodney Davis, 22 April 1832, Davis Papers.

<sup>97</sup> Gideon Davis to Rodney Davis, 12 February 1832, 22 April 1832, Davis Papers.

<sup>98</sup> Deposition of William Palmer, Cartmill & Wood v. McCormick.

<sup>99</sup> Richmond Enquirer, 14 August 1827, p. 3, col. 5.

<sup>100</sup> Benjamin Blackford for benefit of Stephen McCormack (sic) v. James Cartmill and John F. Wood, Botetourt County Court Order Book 3, p. 42, 6 April 1832.

<sup>101</sup> Cartmill & Wood v. McCormick.

<sup>102</sup> Order, 15 September 1836, Cartmill & Wood v. McCormick, Botetourt Chancery Order Book 1A, p. 113.

<sup>103</sup> McCormick v. Blackford, Law Papers, Page County Circuit Superior Court of Law and Chancery; Page County Order Book 1831-1859, 11 September 1844.

<sup>104</sup> McCormick v. Blackford, Virginia Court of Appeals, Lewisburg Records, Ms 79-83, 06 115 0808, West Virginia Archives and History Library, Charleston, WV. By this time, Blackford was in financial straits, and McCormick may have concluded that even a successful appeal would not produce money.

<sup>105</sup> McCormick v. Jordan & Irvine; McCormick v. William Weaver.

<sup>106</sup> Depositions of Ambrose Campbell and Matthew Bryan, McCormick v. Jordan & Irvine.

<sup>107</sup> Gideon Davis to Rodney Davis, 28 March 1833, Davis Papers.

<sup>108</sup> McCormick v. Barnett.



<sup>109</sup> McCormick v. Crump & Co.

<sup>110</sup> McCormick v. Brier.

<sup>111</sup> Hall v. McCormick.

<sup>112</sup> Patent No. 4325X, 28 January 1826, Name and Date Patents.

<sup>113</sup> Specification forming part of Letters Patent dated January 28, 1826, filed October 21, 1828. McCormick Collection, Mss J, Package 1, WHS.

<sup>114</sup> Richmond *Enquirer*, 2 October 1835, p. 1, col. 2.

<sup>115</sup> Senate Committee on Patents, 26A, G 12, NARA. In 1838 and 1840, the Senate Committee on Patents was discharged from further consideration of his petition. Senate Journal, 10 January 1838, p. 124; 17 January 1840, p. 117. McCormick was equally unsuccessful in the House in 1844. House Journal, 12 April 1844, p. 777. And like McCormick, Gideon Davis unsuccessfully petitioned Congress. House Journal, 4 January 1831, p. 138; Senate Journal 11 January 1832, p. 70.

<sup>116</sup> Specification forming part of Letters Patent No. 501, dated December 1, 1837. McCormick Collection, Mss J, Package 1, Wisconsin Historical Society.

<sup>117</sup> *Farmers Register*, Vol. 10, p. 411, 30 September 1842, describes the farming operations of William Weaver, who continued to favor the McCormick plow. Benjamin Crawford of Staunton advertised McCormick plows as late as 1850. Staunton *Republican Vindicator*, 23 December 1850, p. 4, col. 2.

<sup>118</sup> Depositions of John McDaniel, William Peterson, Jacob Rivercomb and George Gunn, Davis v. Palmer and McCormick.

<sup>119</sup> Letters to editor from John H. Craven, *Farmer's Register*, Vol. 1, June 1833, p. 150; from "A Frederick Farmer," Vol. 5, February 1838, p. 666.

<sup>120</sup> Patent No. 6596X, 13 June 1831; Patent No. 7819X, 19 November 1833, Name and Date Patents.

<sup>121</sup> Cyrus McCormick to William Massie, 12 May 1831; Receipt, 29 September 1831, McCormick Collection, Mss 1A, WHS.

<sup>122</sup> Richmond *Enquirer*, 12 December 1839, p. 2, col. 2; Cyrus McCormick to W.W. Davis, 8 August 1840, McCormick Collection, Mss 1A, WHS.

<sup>123</sup> Lexington *Union*, 12 January 1833, p. 3, col. 2; 17 August 1833, p. 3, col. 5; 16 November 1833, p. 4, col. 6; *Mechanics Magazine*, Vol. 3, February, 1834, p. 70; *Southern Planter*, Vol. 3, July 1843, p. 163.

<sup>124</sup> It is likely, however, that they were aware of one another. See *Farmers Register*, Vol. 1, 3 December 1833, p. 487.

<sup>125</sup> In 1875, Cyrus McCormick claimed he could have made a commercial success of plows had he not concentrated on the reaper. Kellar Papers, McCormick Collection, Mss AC, Series 2.6, Box 82, Folder 7, WHS. In 1909, his son offered an additional insight: "Our need for expansion moved along the direction of taking on new lines ... where we did not have to invade the territory of our friends and allies in the implement business. ... The same line of reasoning had thus far kept us away from taking up plows, but of course if the plow people went into the harvester business, we might find ourselves drawn into the plow business." Wayne G. Broehl, Jr., *John Deere's Company* (New York: Doubleday, 1984) 325. In 1848, he unsuccessfully sought an extension of his 1833 plow patent from Congress. HR 320, 30th Congress. See William T. Hutchinson, *Cyrus Hall McCormick*, (New York: The Century Co., 1930) Vol. I, p. 42-46.

<sup>126</sup> Agnes E. McCormick to Cyrus McCormick, 20 February 1866, McCormick Collection, Mss 1A, Box 19, Folder 1, WHS. See Hutchinson, Vol. II, p. 274-282.

<sup>127</sup> Leander James McCormick, Family Record and Biography, 112.

<sup>128</sup> Herbert A. Kellar to Cyrus Bentley, 31 December 1920, Mss AC, Kellar Papers, Box 34, Folder 7, McCormick Collection, WHS.

<sup>129</sup> *American Farmer*, Vol. 2, 29 December 1820, p. 319; Vol. 2, 9 March 1821, p. 400; Vol. 3, 8 June 1821, p. 85.

<sup>130</sup> *American Farmer*, Vol. 2, 9 September 1820, p. 186; Vol. 4, 22 November 1822, p. 280. Robert Smith, of Bucks County, PA, apparently received a patent in 1800. See Chronological List of Patents Destroyed in the Fire of 1835 (sic) and Not Restored, James T. Allen, Allen's Digest of Plows, with Attachments Patented in the United States from AD 1789 to January 1883, (Washington, Joseph Bart, 1883); *Scientific American*, 17 March 1877, p. 164.

<sup>131</sup> Roswell Towsley, Patent No. 1644X, 11 June 1812; Matthew Patrick, Patent No. 1935X, 2 June 1813; Jethro Wood, Patent No. 2164X, 1 July 1814; Jonathan Swan, Patent No. 2168X, 5 July 1814; Jedediah Morgan and John B. Harris, Patent No. 2193X, 9 November 1814; Roswell Towsley and Jonathan Swan, Patent No. 2220X, 9 November 1814; Jethro Wood, Patent No. 3130X, 1 September 1819. Name and Date Patents.



<sup>132</sup> Report on Trial of Plows, 85.

<sup>133</sup> Edwin Morris Betts, ed., *Jefferson's Garden Book* (Philadelphia: American Philosophical Society, 1944) 561.

<sup>134</sup> Betts, 569.

<sup>135</sup> At his death, the only patent plows listed in the inventory of Jefferson's estate were those of Stephen McCormick. Albemarle County Will Book 8, p. 282; 9, p. 21.

<sup>136</sup> *American Farmer*, Vol. 2, 9 July 1819, p. 120. The Czar responded with a gift of a diamond ring, which was apparently misappropriated by a friend of Wood. *Friends Intelligencer*, 2 January 1869, pp 25, 44; James A. Wright, *Historical Sketches of the Town of Moravia* (Auburn, NY: Cayuga County News, 1918) 479-480.

<sup>137</sup> *Plough Boy*, Vol. 2, 3 June 1820, p. 3; *American Monthly Magazine*, Vol. 4, January 1819, p. 221; *American Farmer*, Vol. 2, 8 December 1820, p. 295. Another licensee was Theodore Barnard, who manufactured and promoted Wood's plow in Connecticut. *Rural Magazine and Farmer's Monthly Museum*, March 1819, p. 65.

<sup>138</sup> *American Farmer*, Vol. 2, 29 December 1820, p. 319; Vol. 8, 5 May 1826, p. 55; Richmond *Commercial Compiler*, 24 September 1822, p. 3, col. 4; 6 March 1823, p. 3, col. 3; 24 November 1824, p. 4, col. 5.

<sup>139</sup> *Niles Weekly Register*, Vol. 3, 7 November 1818, p. 178; *American Farmer*, Vol. 2, 15 September 1820, p. 193; Vol. 2, 8 December 1820, p. 289; Vol. 2, 29 December 1820, p. 319; Vol. 3, 8 June 1821, p. 85; Vol. 4, 5 July 1822, p. 116.

<sup>140</sup> *American Farmer*, Vol. 2, 11 August 1820, p. 160; Vol. 3, 12 October 1821, p. 229; Vol. 4, 4 March 1825, p. 393.

<sup>141</sup> Patent No. 3250X, 9 November 1820, Name and Date Patents.

<sup>142</sup> Ex Parte Wood, 22 U.S. 603 (1824).

<sup>143</sup> Deposition of Benjamin F. Avery, 15 June 1854, *Tarwater v. Avery's Administrator*, Mecklenburg County Circuit Court (Chancery 1869-044) LOV. There is some support for his contention. When Wood transmitted his plow to Jefferson, he referred to "the firm of which I am a partner," but did not identify his partners. When Wood's heirs were seeking monetary compensation from Congress in 1848, Congressman N.K. Hall received a letter from William Wilkison, 14 July 1848: "Swan and Wood were the joint inventors of the plough, & tho Wood by superior tact or cunning got the patent in his name yet Swan was an owner in the patent, contributed his money & time & traveled equally with Wood while he lived and since his death some 15 or more years his heirs have not received one dollar from the avails of said patent, nor have the heirs of Wood paid over to them one cent, averring that as they had to defray the expenses of litigation they used up the part of the funds derived from collections belonging to the heirs of Swan. It is on this a/c alone that the heirs of Swan have not prosecuted the heirs of Wood." The writer was apparently a friend of Swan's son, seeking to include the heirs of Swan in any federal relief. House Committee on Patents, HR 30A, G 14.3, Folder 3, NARA. See also Collections of the Cayuga County Historical Society, Vol. 1-2, p. 115 : Swan was a partner with Wood and Roswell Towsley, another Scipio inventor. But the 1868 New York State Agricultural Society's Report on Trials of Plows, 72, described Towsley as a partner of Wood, only mentioning Swan as another patentee.

<sup>144</sup> Luther D. Thomas, *B.F. Avery & Sons, Pioneer Plowmakers*, (Yellow Springs, OH: Antique Power Publishing, 2003) 3; See Estate of Major John Nelson, 12 Mecklenburg County Will Book 348 (1828).

<sup>145</sup> 39 Halifax County Deed Book 474, 15 September 1830.

<sup>146</sup> Gibson already had a lease, which was to expire in 1837. The new lease spelled out the use of the water for power, provided for an extension for 11 years after 1837, and included a mechanism for arbitrating any dispute over the rent. Rockbridge Deed Book R, p. 446.

<sup>147</sup> The Vesuvius Furnace, a charcoal fired blast furnace, was built by Thomas Mayburry in 1828. Deposition of Thomas Mayburry, *Weaver v. Jordan & Davis*, Rockbridge County Chancery Case Papers, Rockbridge Historical Society, Special Collections, Leyburn Library, Washington and Lee University, Lexington, Va.. It was sold in 1832 to Edward and Matthew Bryan. Transcript of Agreement, 20 January 1833, Matthew Bryan Papers, Mss. 28-395, Albert and Shirley Small Special Collections Library, University of Virginia, Charlottesville, Va.; Rockbridge Deed Book V, p. 207; Augusta Deed Book 60, p. 526.

<sup>148</sup> Sidney S. Avery for James C. Bruce, executor, v. Schuyler Bradley, Rockbridge Law Records, 1841-1845, Box 64, LOV State Records Center; Rockbridge County Law Orders, 1841-1845, p. 11 (Reel 99, LOV). The note, 22 April 1833, was payable to Sidney Avery, brother of Benjamin, and guaranteed by Benjamin and James Gibson. On 9 November 1833, apparently this note was assigned to James C. Bruce. Following Bruce's death, Sidney Avery as executor of Bruce's estate





sued on the note. The suit was dismissed at the plaintiff's request, probably incident to the refinancing of the Rockbridge foundry.

<sup>149</sup> Charles Maurer v. Schuyler Bradley, Rockbridge Law Records, 1841-1845, Box 64, LOV State Records Center; Rockbridge County Law Orders, 1831-1841, p. 393; 1841-1845, p. 21 (Reel 99, LOV). This foundry may have cast the pipes for the original water works of Lexington, Virginia. J.C. Shields, Staunton *Spectator*, 23 January 1889, p. 2, col. 1.

<sup>150</sup> Kellar's report to Cyrus Bentley, 21 May 1921, describing an interview with McCown's granddaughter. McCormick Collection, Mss AB, Box 3, WHS. Kellar's primary interest was in disproving an allegation that McCown had contributed more to Cyrus McCormick's reaper than fabricating the sickle bar under McCormick's direction. See Hutchinson, Vol. I, p. 110, fn. 41; Rockbridge County Heritage Book, 1778-1997 (Rockbridge Area Genealogical Society: 1997) 273.

<sup>151</sup> Testimonials of Samuel Cummins and John Hagen, Lexington *Gazette*, 16 June 1842, p.2, col. 3.

<sup>152</sup> The Bryans assigned the note to John Newton, who assigned it to Thomas McCormick, who brought suit on it and received a judgment in April 1838. McCormick v. Bradley, Rockbridge Law Records, 1831-1841, Box 59, LOV State Records Center.

<sup>153</sup> Note, E & M Bryan by L. Shaw to Schuyler Bradley, 5 September 1837, Massie Papers (Bryan) Frame 689, Reel 1465, LOV.

<sup>154</sup> Promissory Note, 7 May 1838, McCormick Collection, Mss 7A, Box 4, WHS; Deposition of John Montague, Matthews v. McCormick, Augusta County Circuit Court, Chancery (1843)

<sup>155</sup> Benjamin F. Avery v. Michael and Edward Tarwater, Mecklenburg County Circuit Court (Chancery 1863-001) LOV. In 1845, Avery sued the Tarwaters, claiming he had been cheated by the dissolution, which he had initiated. The suit was eventually dismissed for lack of action.

<sup>156</sup> Deposition of Benjamin F. Avery, Tarwater v. Avery's Administrator. This deposition was taken 15 June 1854. Avery did not reveal that his brother George, and a nephew, also George, had been agents for the Wood heirs.

<sup>157</sup> Benjamin and Sidney Avery were fined for failure to appear for the Halifax County Court in 1837. Halifax Minute Book 7, p. 76.

<sup>158</sup> Danville *Reporter*, 21 August 1840, p. 4, col. 1. Special Collections, Perkins Library, Duke University, Durham, NC.

<sup>159</sup> Based on the testimony of George, the Halifax Grand Jury issued a presentment against Benjamin for "unlawfully gaming ... by betting champagne wine on a game of marbles in a public place." 2 Halifax Criminal Law Orders 287. The case was nol prossed and eventually dismissed. 10 Halifax County Court Minutes 107; 2 Halifax Criminal Law Orders 314.

<sup>160</sup> Halifax Deed Book 46, p. 182; Deed Book 47, p. 3.

<sup>161</sup> I Statutes 486.

<sup>162</sup> Benjamin H. Wood v. David Anthony, U.S. Circuit Court for the Northern District of New York, Law Case No. 98, 1845; Docket Calendar 1838-1853, Vol. 1, p. 45; Minute Book, October 1845, pp. 21-25, (Northeast Region, NARA.) *Cultivator*, Vol. 2, November 1845, p. 340.

<sup>163</sup> S. Bill 72, 29th Congress, 1st Session; Senate Journal, p. 372; S. Bill 136, 29th Congress, 2nd Session; Senate Journal p. 208. S. Bill 108, 30th Congress, 1st Session; Senate Journal, p. 144. Petitions, Folder 3, HR 30 A, G 14.3 (1848); Report No. 389 (to accompany S. No. 108), House of Representatives, 30th Congress, 1st Session. Report No. 389 (to accompany S. No. 108), 15 March 1848, House of Representatives, 30th Congress, 1st Session. *Congressional Globe*, 16 March 1848, p. 476. A petition was presented in the Senate in 1850, but the Senate Committee on Patents was discharged from further consideration of the petition. *Senate Journal*, p. 110, 28 January 1850; p. 348, 22 May 1850. A petition presented in the House the following month did result in H.R. 381, but that bill was killed 30 August 1850. *Congressional Globe*, pp. 1711-1714, 30 August 1850. The final effort was in 1870, and would have appropriated \$25,000 to the Wood daughters. H.R. 2360 passed the House 6 July 1870, but the Senate rejected it a week later. *Congressional Globe*, 6 July 1870, p. 5249; pp. 5579-5580, 14 July 1870, pp. 5579-5580.

<sup>164</sup> Richmond *Whig and Public Advertiser*, 8 October 1847, p. 3, col. 6.

<sup>165</sup> Tarwaters v. Avery's Administrator.

<sup>166</sup> On 4 March 1837, Bradley gave a promissory note to William Patton, with John McCown serving as surety. Patton's executors sued in May, 1837, and received judgment 23 April 1838. Leyburn and Gatewood, executors, v. Bradley, Rockbridge Law Orders, 1831-41, p. 342 (Reel 99, LOV), Box 59, Rockbridge Law Records, SRC. On 7 May 1838, Bradley gave a promissory note to McCormick and Black (Cyrus McCormick's Cotopaxi Furnace) for pig iron. Bradley defaulted, and judgment was entered 23 July 1840. On 26 October, 1840, Andrew Alexander provided surety for Bradley until the sale of the latter's three horses and four cattle on 1 December 1840 in satisfaction of the debt. Promissory Note, and Bond, Mss 7A, Box 4,





McCormick Collection, WHS; Rockbridge County Order Book 1831-41, p. 487 (Reel 99, LOV). On 7 January 1839, Bradley gave a promissory note "for the hire of a Black boy named George for the coming year," with McCown as surety. Suit was brought 3 May 1841, and judgment entered in September, 1841. Rockbridge Law Orders, 1841-45, p. 35 (Reel 99, LOV); Box 64, Rockbridge Law Records, SRC. On 26 December 1839, Bradley gave two promissory notes to George Baylor, who brought suits on the notes in June, 1841. Both suits were dismissed in September, 1841, probably incident to Avery's refinancing that month. Rockbridge Law Orders, 1841-45, p. 30 (Reel 99, LOV), Box 64, Rockbridge Law Records, SRC.

<sup>167</sup> Rockbridge Deed Book W, p. 9.

<sup>168</sup> See Bradley for the benefit of Benjamin F. Avery v. Pepper, an action for payment for castings provided in August and November, 1839. Suit was brought in April, 1842, and judgment entered in September, 1843. Rockbridge Law Orders, 1841-45, p. 243 (Reel 99 LOV); Box 69, Rockbridge Law Records, SRC.

<sup>169</sup> *Lexington Gazette*, 17 February 1842, p. 3, col. 6.

<sup>170</sup> One of Thomas Wiard's sons, William, moved to Ancaster, Ontario, Canada, where he was among the first manufacturers of cast iron plows in that country. One of William's sons, George, returned to New York and purchased an interest in the family business, incorporating it as the Wiard Plow Company and moving it to Batavia, New York in 1876. Another of William's sons, Henry, was one of the founders of the Syracuse Chilled Plow Company in 1876, which was later acquired by the John Deere Co. Safford E. North, *Our County and Its People: A Descriptive and Biographical Record of Genessee County, New York* (Boston: Boston History Co.: 1899); G.W. Mixter, unpublished manuscript on the Syracuse Chilled Plow Company (1914); article in *Syracuse Herald*, 15 January 1927, both in the files of the Onandaga Historical Association, Syracuse, NY.

<sup>171</sup> Willard Durkee, *The Wiard Family: Pioneer Builders of Plows* (1959), an unpublished monograph in the New York State Museum, Albany, NY.

<sup>172</sup> *Cultivator*, Vol. IX, Old Series, April 1842, p. 61.

<sup>173</sup> 1841 Transactions of the New York State Agricultural Society (Albany: T. Weed, 1842) 55; *Cultivator*, *Ibid*; New York *State Mechanic*, 2 July 1842, p. 43. Another Livingston County Plow received third prize.

<sup>174</sup> Patent No. 2557, 16 April 1842.

<sup>175</sup> *Cultivator*, Vol. IX, Old Series, April, 1842, p. 72.

<sup>176</sup> *Cultivator*, Vol. IX, Old Series, November 1842, p. 180

<sup>177</sup> *Cultivator*, Vol. X, Old Series, December 1843, p. 130

<sup>178</sup> *American Agriculturist*, Vol. 2, November, 1843, p. 259. The correspondent was Ezra Cornell, who had purchased the patent rights in Georgia and Maine to a plow invented by Barnaby & Mooers of Ithaca. Cornell developed a plow for trenching telegraph lines, although he quickly concluded that overhead lines were more practical. He was associated with Samuel F.B. Morse, and migrated into the telegraph business, eventually becoming the largest stockholder in Western Union, and the founder of Cornell University. Allen Johnson & Dumas Malone, *Dictionary of American Biography*, Vol. IV, (New York: Charles Scribner's Sons, 1943) 444.

<sup>179</sup> An illustrated article which described the Livingston County plow as "among the most useful, if not the best now in use," also contained notice of a meeting of plow makers, "to be held at Canandaigua, on the 20th of July (1842) 'for the purpose of considering the claims of the heirs of Jethro Wood to the exclusive right of making cast iron plows.' " This would have been at the same time and location as the scheduled trial of Wood v. Langworthy.

<sup>180</sup> Report on Trial of Plows, p. 84.

<sup>181</sup> Letter from Phoebe and Sylvia Wood, *Cultivator*, July 1849, p. 206; Report on Trial of Plows, p. 84.

<sup>182</sup> Affidavit of Howard Delano, 27 March 1848, HR 30A, G 14.3, Folder 6 (NARA.)

<sup>183</sup> HR 30 A, G 14.3, Folder 5, (NARA.)

<sup>184</sup> *Lexington Gazette*, 3 February 1842, p. 3, col. 5.

<sup>185</sup> *Lexington Gazette*, 16 June 1842, p. 2, col. 2.

<sup>186</sup> *Lynchburg Virginian*, 13 June 1842, p. 3, col. 4.

<sup>187</sup> Cayuga County NY Will Book E, p. 354; Elroy McKendree Avery et al, *Groton Avery Clan* (Cleveland: 1913) 461.

<sup>188</sup> *Lexington Gazette*, 21 July 1842, p. 2, col. 4.

<sup>189</sup> *Lexington Gazette*, 23 March 1843, p. 3, col. 3; Staunton *Spectator*, 23 March 1843, p. 3, col. 3. Samuel Sidney Bradford, *The Antebellum Charcoal Iron Industry of Virginia* (PhD Dissertation, Columbia University, 1958) cites two documents from the McCormick Collection, WHS: an



agreement between Avery and Bryan, 26 April 1843, and another in 1847, the latter authorizing Bryan to market the Livingston County plow in Rockbridge, Botetourt and other Virginia counties. I was unable to locate these.

<sup>190</sup> Lexington *Gazette*, 23 March 1843, p. 3, col. 3; 16 November 1843, p. 3, col. 1.

<sup>191</sup> Avery, Groton Avery Clan, 464; Avery to Susan Avery, 27 December 1848, Avery-Shanklin Papers, Special Collections, Cornell University, Ithaca, NY.

<sup>192</sup> Avery v. Tarwaters.

<sup>193</sup> Avery to Susan Avery, 24 July 1848, Susan Avery to Avery, 6 October (1848); Susan Avery to Avery, 11 October 1848, same, 17 June 1949, Avery-Shanklin Papers.

<sup>194</sup> Susan Avery to Avery, 18 July 1848, 2 August 1848, 1 September 1848, 22 September 1848, 26 October 1848, Avery-Shanklin Papers.

<sup>195</sup> Avery to Susan Avery, 24 July 1848, containing a transcript of Avery to Daniel H. Avery, 13 July 1848, Avery-Shanklin Papers.

<sup>196</sup> Susan Avery to Avery, 3 July 1848, Avery-Shanklin Papers; Louisville *Daily Journal*, 25 November 1848, p. 4, col. 2 (Reel 690, LOV). (The ad began on 21 June 1848.)

<sup>197</sup> Susan Avery to Avery, 1 October 1848, Avery-Shanklin Papers.

<sup>198</sup> Susan Avery to Avery 2 August 1848, Avery-Shanklin Papers.

<sup>199</sup> Susan Avery to Avery, 17 June 1849, Avery-Shanklin Papers.

<sup>200</sup> Dorothy Lee Weaver, Here Lyeth (Privately published, 1987) 194.

<sup>201</sup> Susan Avery to Avery, 1 September 1848, 11 October 1848, Avery-Shanklin Papers; 1858 Louisville City Directory, 246.

<sup>202</sup> *Valley Farmer*, January 1857, p. A8; *Southern Cultivator*, January 1860, p. 41.

<sup>203</sup> Richard Irby to Matthew Bryan, 12 April 1852, William Massie Papers (Bryan), Records of Antebellum Southern Plantations, Series G, Center for American History, University of Texas (hereafter Massie-Bryan Papers) (Reel 1467, Frame 441, LOV).

<sup>204</sup> *Southern Planter*, Vol. 12, November 1852, p. 367.

<sup>205</sup> *Farmers Register*, Vol. 13, 28 February 1843, p. 65.

<sup>206</sup> Bryan v. Matthews, Rockbridge Chancery Case 1838-007, LOV.

<sup>207</sup> Rockbridge County Deed Book V, p. 207; Augusta County Deed Book 60, p. 526.

<sup>208</sup> Deposition of Matthew Bryan, Matthews v. McCormick, Augusta County Chancery (1843).

<sup>209</sup> Hutchison, Vol. I, 126-146; Staunton *Spectator*, 6 January 1842, p. 3, col. 3.

<sup>210</sup> Staunton *Spectator*, 18 March 1841, p. 3, col. 4; Augusta County Deed Book 66, p. 405.

<sup>211</sup> In 1850, the foundry used only 175 tons of pig iron, while the furnace produced 675 tons. 1850 Census, Rockbridge County, Industry Schedule, p 471 (Reel 131, LOV).

<sup>212</sup> Lexington *Gazette*, 16 March 1843, p. 3, col. 3; Staunton *Spectator and General Advertiser*, 23 March 1843, p. 3, col. 3.

<sup>213</sup> Lynchburg *Virginian*, 4 August 1844, p. 4, col. 3, 22 August 1843, p. 3, col. 3.

<sup>214</sup> Staunton *Spectator and General Advertiser*, 23 January 1845, p. 3, col. 4.

<sup>215</sup> See footnote 201, *supra*.

<sup>216</sup> Agreement, 3 March 1846, Massie-Bryan Papers, (Reel 1466, Frame 19, LOV).

<sup>217</sup> Unexecuted Agreement, 1847, Massie-Bryan Papers, (Reel 1466, Frame 106).

<sup>218</sup> Agreement, 4 March 1848, Massie-Bryan Papers, (Reel 1466, Frame 121).

<sup>219</sup> Agreement, 11 May 1849, Massie-Bryan Papers, (Reel 1466, Frame 190).

<sup>220</sup> Matthew Bryan's Administrator v. Matthew Bryan's Heirs, Rockbridge Chancery Case 1860-071, Folder 12, LOV.

<sup>221</sup> *Southern Planter*, Vol. 9, November 1849, p. 373.

<sup>222</sup> *Southern Planter*, Vol. 10, July 1850, p. 210.

<sup>223</sup> Lexington *Gazette*, 30 January 1851, p. 1, col. 2; reprinted in *Southern Planter*, Vol. 11, April 1851, p. 118.)

<sup>224</sup> Lexington *Gazette*, 1 June 1843, p. 3, col. 3.

<sup>225</sup> Staunton *Spectator and General Advertiser*, 23 January 1845, p. 3, col. 4; Lynchburg *Virginian*, 4 August 1844, p. 3, col. 4, 22 August 1844, p. 3, col. 3; Lexington *Gazette*, 13 November 1851, p. 3, col. 3; 2 March 1854, p. 3, col. 2.

<sup>226</sup> Rockingham: Shacklett & Bruffy, 14 January 1850, Massie-Bryan Papers (Reel 1466, Frame 281); Shenandoah: Wm. H. Cline, 1 March 1851, Mss. 397, Series V, Box 10, Folder 145, Ulrich Bonnell Phillips Papers, Yale University Library, New Haven, CT (hereafter, Phillips Collection); Albemarle: Tyler & Davis, 8 November 1850, Massie-Bryan Papers (Reel 1466, Frame 488); Hartsook & Scott, 26 January 1851 (Reel 1466, Frame 663); John Timberlake, 19 April 1851, Matthew Bryan Papers, Collection No. 728, Special Collections, Perkins Library, Duke University, Durham, NC; Madison: George W. Harrison, 25 February 1850 Massie-Bryan Papers (Reel



1466, Frame 310); Greene: M. Fishback, 14 July 1850 (Reel 1466, Frame 371); Fredericksburg: Fredericksburg *Weekly Advertiser*, 22 January 1853, p. 3, col. 1; Richmond: William Palmer, 8 May 1851 (Reel 1466, Frame 921).

<sup>227</sup> J.B. Jones to Bryan, 1 March 1852, Phillips Collection, Series V, Box 10, Folder 147.

<sup>228</sup> F.H. Hill to Bryan, 23 January 1851, Massie-Bryan Papers, (Reel 1466, Frame 659); Nichols & Bro. to Bryan, 1 May 1851 (Reel 1466, Frame 896).

<sup>229</sup> John Wood to Bryan, 3 March 1852, Phillips Collection, Series V, Box 10, Folder 147.

<sup>230</sup> *Southern Planter*, Vol. 12, April 1852, 122.

<sup>231</sup> *Southern Planter*, Vol. 12, April 1852, 125.

<sup>232</sup> Undated Memorandum filed in Margaret Jane Bryan v. Bryan's Administrator, Rockbridge Chancery Case 1856-027, LOV. Bryan's first wife, Mary, had died in May 1853. Angela Ruley, Rockbridge County Death Register, 1853-1870 (Athens, GA, Iberian Publishing, 1991) 11. He had remarried in December, 1853. His second wife received the dower interest, and the administrator received permission from the court to sell Bryan's real property free of the widow's dower interest by remitting the value of the dower to her in cash.

<sup>233</sup> Bryan's Administrator v. Bryan's Heirs; *Lexington Gazette*, 18 May 1854, p. 3, col. 1; Staunton *Spectator*, 17 May 1854, p.3, col. 4.

<sup>234</sup> *Lexington Gazette*, 20 April 1854, p. 3, col. 1.

<sup>235</sup> *Lexington Gazette*, 12 October 1854, p. 3, col. 3.

<sup>236</sup> Bryan's Administrator v. Bryan's Heirs.

<sup>237</sup> *Lexington Gazette*, 26 April 1855, p. 3, col. 3.

<sup>238</sup> *Southern Planter*, Vol. 14, January, 1854, p. 12.

<sup>239</sup> Richard Edwards, Statistical Gazetteer of the State of Virginia (Richmond, 1855) 230; *Southern Planter*, Vol. XIV, May 1854, p. 158.

<sup>240</sup> *Plough, Loom and the Anvil*, February, 1855, p. 480.

<sup>241</sup> Schuyler Bradley to Samuel McDowell Reid, 25 March 1862, Mss. 397, Box 19, Folder 156, Phillips Collection.

<sup>242</sup> Rockbridge Deed Book HH, p. 114. Following the death of his wife Sarah in 1849, Bradley married Eliza Donald, the sister of William A. Donald. Dorthie & Edwin C. Kirkpatrick, Rockbridge County Marriages, 1778-1850 (Athens, GA: Iberian Publishing Co. 1985) 39; 1850 Census, Rockbridge County, District 51, p. 776.

<sup>243</sup> Rockbridge Deed Book II, pp. 311, 312.

<sup>244</sup> See J. Marshall M'Cue, "The History of the Plow in the Valley of Virginia," *Southern Planter and Farmer*, Vol. 41, August 1881, p. 496, although his account errs on many details.

<sup>245</sup> Andrew L.C. Gatewood to Eugenia Sophia Gatewood, 14 March 1863, Mss. 068, Andrew L.C. Gatewood Papers, Special Collections, Preston Library, Virginia Military Institute, Lexington, Va..

<sup>246</sup> James B. Trimble to Matthew Bryan, 14 April 1853, Massie/Bryan Papers, (Frame 895, Reel 1465, LOV); Order for parts, 28 December 1850 (Frame 635, Reel 1466, LOV).

<sup>247</sup> *Lexington Gazette*, 15 July 1852, p. 3, col. 1; 16 March 1854, p. 3, col. 2; 20 July 1854, p.3, col. 1; *Plough, Loom and the Anvil*, February, 1855, p. 480.

<sup>248</sup> *Lexington Gazette*, 5 August 1852, p. 3, col. 1.

<sup>249</sup> *Southern Planter*, Vol. 18, May 1854, p. 158.

<sup>250</sup> *Lexington Gazette*, 13 January 1859, p. 4, col. 3.

<sup>251</sup> *Southern Planter*, Vol. 48, October 1888, p. 521.

<sup>252</sup> Patent No. 2548, 11 April 1842 (Watt), Patent No. 2557, 16 April 1842 (Wiard), Subject Matter Index, Patents for Inventions, 1790-1873 (Washington, GPO: 1874).

<sup>253</sup> *Southern Planter*, Vol. 2, June, 1842, p. 143.

<sup>254</sup> *Southern Planter*, Vol. 6, November, 1846, p. 250.

<sup>255</sup> Patent No. 16218, 9 December 1856; Patent No. 19321, 9 February 1858, Subject Matter Index.

<sup>256</sup> Patent No. 29726, 21 August 1858, Subject Matter Index.

<sup>257</sup> There is no entry for McCormick's factory at Auburn in the 1850 Census, Industry Schedule for Fauquier County. The accession label for a Stephen McCormick plow in the collection of the National Museum of History and Technology lists 1854 as the date of manufacture, but that was not verified at the time of acquisition.

<sup>258</sup> *Southern Planter*, Vol. 14, May, 1854, p. 158.

<sup>259</sup> Agnes E. McCormick to Cyrus McCormick, 20 February 1866, Mss 1A, Box 19, Folder 1, McCormick Collection, WHS.

<sup>260</sup> Charles F. Bryan, et al, ed., *Images From the Storm* (New York: Free Press, 2001) 170-171.

<sup>261</sup> McCormick, Family Record and Biography, p. 112.



<sup>262</sup> *American Farmer*, 12 February 1845, Vol. VI, p. 314A; *Southern Planter*, Vol. 14, May, 1854, p. 158; *Farmer and Gardener*, Vol. 2, 22 March 1836, p. 376.

<sup>263</sup> Biographical Sketch of Rodney Davis, Davis Papers; 1850 and 1860 Census, Richland Township, Belmont County, OH.

<sup>264</sup> *National Intelligencer*, 31 March 1835, p. 3, col. 6.

<sup>265</sup> Asa and Werner Janney, *Ye Meetg Hous Smal: A Short Account of Friends in Loudoun County, Virginia 1732-1980*, (Lincoln, Va.: 1980) 22, 35.

<sup>266</sup> Thomas, B.F. Avery & Sons, pp. 4-6, 33-39.

<sup>267</sup> Statement of Charles P. McWane, 11 August 1919. The following year, he suggested to McCormick's widow, without success, that a payment of \$15,000 would be appropriate for his contributions toward the design of the reaper. C.P. McWane to Mrs. Cyrus H. McCormick, 29 July 1920, Mss. AB, Box 3, McCormick Collection.

<sup>268</sup> Several articles in the magazine of the Lynchburg Foundry Co., suggest a strong connection between James McWane and Cyrus McCormick's plow. *Iron Worker*, Summer 1946, pp. 14-17; Winter, 1953-54, p. 21. But Henry D. Reck, who had reviewed a 1923 written statement by C.P. McWane in the company's files, was more guarded. Henry D. Reck, *History of the Lynchburg Foundry Co., 1896-1930* (PhD Dissertation, University of Virginia, 1959) 29.

<sup>269</sup> Angela Ruley, *Rockbridge Death Register* (Athens, GA: Iberian Publishing, 1991) 118; James I Robertson, *4th Virginia Infantry* (Lynchburg: H.E. Howard, 1982) 41.

<sup>270</sup> Bradley to Reid, 25 March 1862: "The calling out of the militia has closed my operations. It has taken four out of five of my moulders, and I cannot supply their place. ... The farming community must be put to great inconvenience and loss by the stopping of my foundry.... I hope you will use your influence in procuring the passage of a bill for the relief of those engaged in the manufacture of agricultural implements." Mss 397, Box 19, Folder 156, Phillips Collection. The role of the Vesuvius Foundry during the War is unclear. Two authors suggest it produced war materiel. Lowell Reidenbaugh, *27th Virginia Infantry* (Lynchburg, Va.: H.E. Howard, 1993) 131; Robert J. Driver, Jr., *Lexington and Rockbridge County in the Civil War* (Lynchburg, Va.: H.E. Howard, 1989) 26. The Rockbridge County Court, in exempting E.N. Boogher from military service, said he was "at work at foundry for gov." Rockbridge County Court Minutes, 19 March 1862, p. 154 (Microfilm, Washington & Lee University Library, Lexington, Va.) Yet Bradley, when urging legislation exempting his skilled workers from military service, makes no mention of war materiel, surely a stronger argument. Exemptions for workers at Vesuvius later in the War do not mention armaments. Hugh F. Lyle (mechanic), 27 March 1863, NARA Confederate Records, RG 109, Ch. 1, Vol. 251, p. 221; Lyle, Jno. Cash, Jos. McCormick (manufacturer of plows and plow castings), Boogher (manufacturer of iron utensils), February 1864, List of Military Exemptions, 1864-1865, Rockbridge Historical Society Collections, Washington & Lee University Library. And the only business record is a receipt for plows sold to the Confederate Army in April, 1864. NARA Confederate Records, RG 109, Microfilm M346, Reel 608.

<sup>271</sup> *Staunton Spectator*, 18 April 1862, p. 1, col. 6.

<sup>272</sup> Rockbridge County Court Minutes, 4 August 1862, p. 203; Rockbridge Deed Book II, p. 313. Lyle was the nephew of Bradley's first wife, Sarah. Kirkpatrick, *Rockbridge County Marriages, 1778-1850*, 39, 130; Louise M. Perkins, *Rockbridge County Marriages, 1851-1885* (Signal Mountain, TN: Mountain Press, 1989) 238. Lyle had enlisted in the 11th Virginia Infantry 29 May 1861, but resigned 20 October 1861. Robert T. Bell, *11th Virginia Infantry* (Lynchburg: H.E. Howard, 1985) 84. Coincidentally, Lyle married Mary Weir, whose mother Margaretta, the step-daughter of Thomas Mayburry, had named Vesuvius. *Staunton Spectator*, 14 March 1882, p. 3, col. 3.

<sup>273</sup> *Syracuse Standard*, 25 July 1886, p. 4, col. 1.

<sup>274</sup> Rockbridge Deed Book 94, p. 307.



# What happened to the Apple Industry of Augusta County?

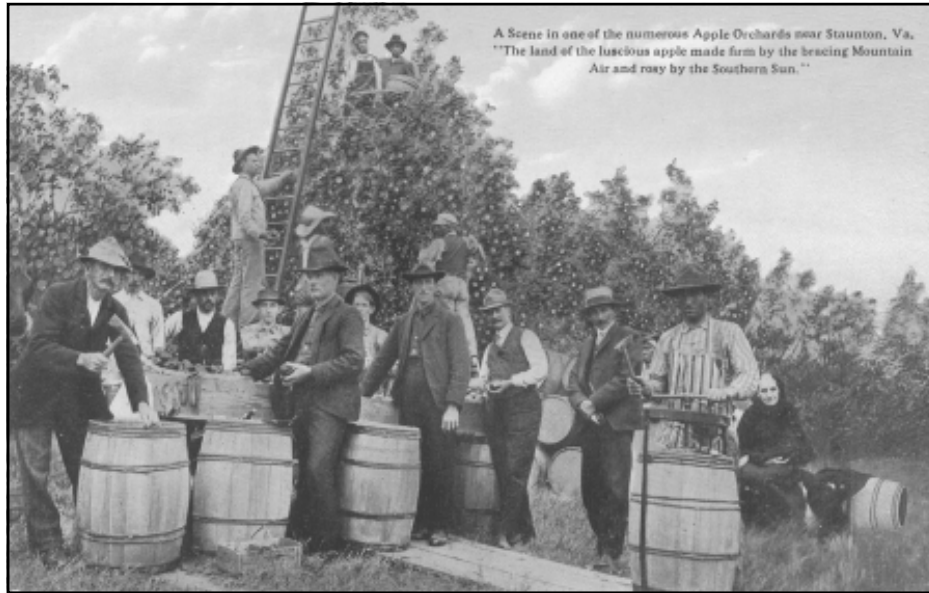
by Keith S. Yoder

*Keith Yoder was recently intrigued by the historical question of what caused the demise of the apple industry in Augusta County. When not delving into such historical questions, he works as the Research and Extension Tree Fruit Pathologist at the Virginia Tech Agricultural and Extension Center in Winchester, Virginia.*

The question of "What happened to the apple industry of Augusta County?" was recently asked by the Augusta County Board of Supervisors. Research into the history of Augusta County's apple industry shows an ongoing decline from its position of prominence one hundred years ago. It may be surprising that in 1899 Augusta led all Virginia counties in barrels of apples produced.<sup>1</sup> From 1899 to 1919 Augusta more than doubled its production, but by 1919 it was second behind Frederick, which had more than tripled its 1899 production. In 1924 Augusta was third in number of apple trees, behind Frederick and Albemarle Counties.<sup>1</sup>

An overview of State fruit tree surveys <sup>2</sup> documents this decline over the years. The 1949 survey noted that the greatest reduction in number of trees from 1937 had taken place in the South Valley district (Augusta and Rockbridge Counties). Between 1937, when Augusta had 507 orchards and 1949, Augusta lost fifty percent of its trees, but still remained in third place. After 1949 the decline of Augusta's industry was very rapid, with the number of orchards, apple acreage, and county ranking in Virginia as follows: 1949-111 orchards, 5,727 A (ranked third in Virginia); 1956-51 orchards, 3,336 A (ranked sixth); 1963-23 orchards, 2,020 A (ranked seventh); 1967-22 orchards, 1,375 A (ranked ninth); 1972-10 orchards, 699 A (ranked fourteenth); 1977-6 orchards, 231 A (ranked eighteenth) (Table 1). Data are also shown for Virginia, Rockingham County (Augusta's immediate neighbor), and Frederick (the state's largest production





*This early twentieth-century postcard depicts what was once a thriving apple industry in Augusta County. The caption on the front of the colorized photograph reads: "A Scene in one of the numerous Apple Orchards near Staunton, Va. "The land of the luscious apple made firm by the bracing Mountain Air and rosy by the Southern Sun." (Courtesy of Vera Hailey)*

county). Reports from 1963 to present didn't comment much on relative decline of Augusta compared to other counties in the Valley because they were lumped together and Valley acreage continued to rank highest among the production regions in Virginia.

Abrupt removal of apple trees throughout the state in 1949-52 prompted Virginia Department of Agriculture to publish a bulletin "Bulldozers at work in Virginia orchards" (Figure 1).<sup>3</sup> Net tree losses of thirty percent were greatest in the South Valley region, which included Augusta and Rockbridge Counties, but it was nearly as high (twenty-nine percent) in the Piedmont area. The bulletin suggested that this tree loss was not all bad because, although it signaled a decline in the number of trees and number of smaller growers, the replacement planting of newer red strains were then seen as a progressive and more competitive approach for larger growers who could afford more modern grading and packing facilities. The newer red strains were an effort to keep up with competitive demands of West Coast production, which was setting the standards for "pretty" apples in new and larger supermarkets. More attractive, highly colored strains of apples for fresh market were an





*Figure 1*

up-and-coming theme in those days; however, many of these new patented highly colored strains of apple varieties came from nurseries in other areas as far away as the West Coast. This led a local supplier (Waynesboro Nursery) to decide to move toward production of ornamentals rather than non-competitive apple trees.<sup>4</sup> So Augusta's potential fruit markets became more and more limited by competition, which could have come from nearby counties in Virginia, from the mid-Atlantic region and the rest of the United States as western production and refrigerated transportation expanded.

Compared to state trends, in 1949 Augusta had 5.4 percent of the



state's orchards; by 1977 this had slipped to only 1.0 percent. (Table 1). The decline was not as abrupt or prolonged in some other counties. If there were adverse weather circumstances affecting Augusta during that period, one would expect that these conditions might also have affected neighboring Rockingham County. But after a drop in apple acreage from 1949 to 1963, Rockingham's apple acreage stabilized and then increased between 1967 and 1972. These differing trends make a useful case study, and this will be examined from several viewpoints later.

Historian Richard MacMaster<sup>5</sup> notes that "the day-to-day struggle of the Augusta County farmer rarely made the newspapers." Likewise, those in the Virginia fruit industry were not inclined to write much about the differential prosperity or decline of a part of their industry, at least while those changes were happening. So we are left to attempt to read between the lines about the several possible reasons for the decline of Augusta County's apple industry.

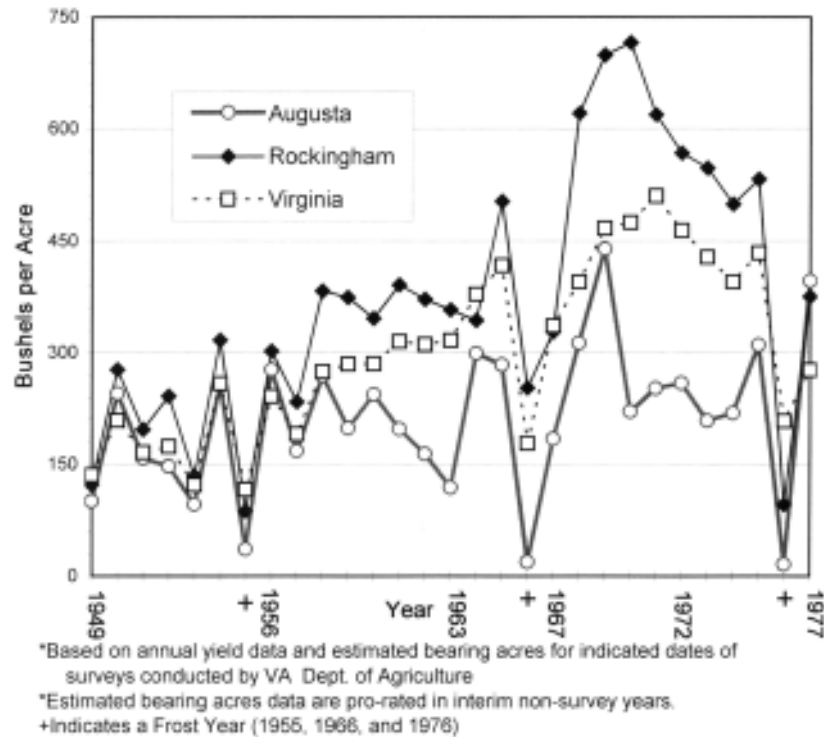
More than fifteen individuals associated with different aspects of the Virginia fruit industry contributed their perspective to this discussion of Augusta's relative decline. Several possible causes for the decline were suggested: West Coast competition, or production problems such as cedar-apple rust or chronic frost reductions in yield, or possibly just no one in the next generation to take over the business. Let's examine some of these possible issues in more detail.

#### **Inconsistent bearing in Augusta County: a frost factor?**

Spring frost is a long-time nemesis of the orchardist, and there is strong evidence that spring frosts frequently reduced the Augusta apple crop. In fact, the chronically low yields compared to adjacent Rockingham and the state average, are the most suspected and easily documented causes for decline of Augusta's industry (Figure 2). Using reported annual yields and tree numbers from state surveys in 1949, '56, '63, '67, '72, and '77, an estimated yield per bearing acre of trees for each of these years can be determined. In that critical twenty-nine-year period Augusta estimated yields per acre were higher than the state average only three years 1950, 1956, and 1977 (after most of the industry was gone). Augusta yielded more per bearing acre than Rockingham only once, in 1977, at a time when Rockingham had an unusually high proportion of recently planted young trees, which were not yet in full production, but were classified as "bearing." Conversely, Rockingham yielded above the state average all but five of the twenty-nine years



Figure 2. Estimated Bushels per Bearing Acre



during this period. In the severe frost years 1955, 1966, and 1976, shown in Figure 2, Rockingham had more than Augusta, and especially so in 1966.

In two other severe frost years (1945 and 1947), for which we don't have yield data, damage was reported to be progressively more severe from Shenandoah County southward, implying more damage in Augusta than Rockingham and a more favorable outcome for Frederick county than for the rest of the orchards in the Shenandoah Valley (Groves, 1945 and 1947).<sup>6</sup> In 1945 the damage from Shenandoah southward occurred on April 6 and 7, when Frederick survived temperatures of 29 and 28 degrees. However, Frederick also took its turn for frost damage that year, on May 2, when apples were "as large as acorns."

The damaging effects of frosts continued to dog Augusta County's apple industry until its virtual end. Paul Clarke, whose family operated some of the last commercial orchards in the county in the 1980s, says that often when night time temperatures dropped to the point that there was a risk of spring frosts, temperatures at their Beverley Manor Orchard in Augusta would be typically 10 degrees colder than at their more reliable orchards near Crozet in Albemarle County. He added that



it was almost always only late bloom, which appeared after the initial frost damage, that would make the crop. At one time, the Clarkes also operated the Buffalo Gap Orchard (off of Rt. 254), Fox Hill Orchard near Staunton, a John Neff orchard near Mint Spring, and an orchard owned by the Payne brothers. They stored fruit at a cold storage next to the railroad tracks on Rt. 250 on the east side of Staunton.

W. C. Bedall, manager of the Clarke family's Beverley Manor Orchard off of Rt. 250 between Staunton and Churchville, had a front row seat to the unfolding drama of Augusta's decline. Bedall had managed this orchard for thirty-two years and was quoted in 1979 as saying "There were twenty-six commercial orchards in Augusta County at one time. Now you can count them on the fingers of one hand."<sup>7</sup> He said that when he came to work in 1947, there were a dozen packing sheds and at least twenty-five or thirty commercial sheds. "All of them did well until the late fifties when things started changing. We had too many crops that were less than full. We'd get a full crop every third or fourth year. The rest of the years, there were only partial crops." He said that more and more local farmers found they could get better returns from their land with cattle or sheep than they could with fruit. Bedall then noted that the company also had operations clustered over Afton Mountain near Crozet and that "a thermal wind blows through Jarman's Gap and prevents formation of frosts" thus providing a fairly stable crop. He indicated that the packing operation might have been shifted closer to the Crozet area's crop except for the prohibitive cost of constructing a new building and moving the equipment.

The Clarke's packing house also packed their Albemarle peach crop and was called into unusual service in 1985 <sup>8</sup> when cold temperatures wiped out their peach crop. They compensated for this cash loss by growing, packing, and shipping tomatoes.

John Hailey operated a cider mill at Stuarts Draft from the late 1970s to 2004. John's father had been a foreman for the Virginia Valley Orchard Company in the Stuarts Draft area from 1920 to 1941. John reported that his father always said that they made money only one year out of five and broke even or lost money the other years. Crop losses there were always due to frosts.

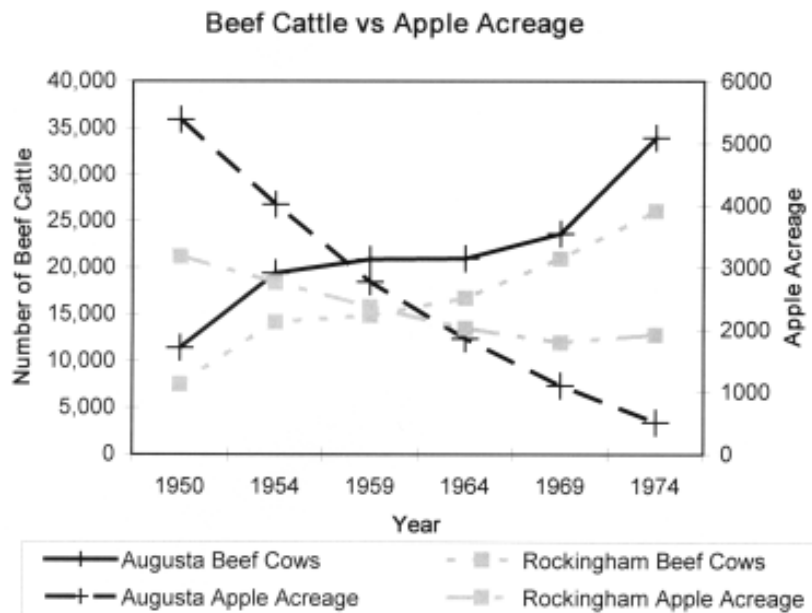
In general, farming, especially fruit growing, is a tough, competitive business that is subject to the vagaries of weather. Paul Clarke tells an interesting, slightly humorous, story that reflects something about fruit-growing family dynamics and the profit outlook for the industry



during that time. Paul was riding along one of the Augusta County roads with his father Larry, when they went past what obviously had been a large orchard but was no longer. Larry asked Paul, "Do you know why this person went out of the orchard business?" Paul said "No, why?" Larry said that the grower had gotten into some trouble with the IRS so he put everything in his wife's name. Later, after he had gotten everything straightened out with the IRS, the man said to his wife, "Ok, I want my orchard back now." The wife said "I'll give it back to you on one condition, and that's that you go out of the orchard business and never go back in!" (She must not have liked the orchard business too much).

Paul Clarke confirmed what W.C. Bedall had said, that more attractive profitability of other agricultural ventures, compared to fruit growing, hastened the decline of the Augusta apple industry and that livestock probably had a lot to do with that. He said that most of the old orchards went back into grazing land. Rather than pushing out the trees, the grower would cut the tree down, leave the stumps, and turn in the cows. Eventually the stumps rotted away.

By comparing beef cow numbers and apple acreage in Augusta and neighboring Rockingham Counties (Figure 3), one can see decreasing apple acreage and increasing cattle numbers during the period from 1950 to 1974. The trends were in the same direction for both counties,



Data from Census of Agriculture and Fruit Tree Surveys



but were much more dramatic for Augusta, where the apple acreage loss and increase in beef cow numbers were greater than in Rockingham. This suggests more than just a coincidental relationship. Increasing cattle numbers indicate that this was a profitable enterprise for both coun-

**Table 1. Orchard acreage and tree count statistics for selected Virginia counties.**

Location/Year	1949	1956	1963	1967	1972	1977
<b>Augusta</b>						
Acres	5,727	3,336	2,020	1,375	699	231
Orchards	111	51	23	22	10	6
Total trees	206,779	126,498	73,246	53,289	28,937	12,162
Bearing trees	184,848	102,609	61,181	40,865	23,983	11,966
Non-bearing	21,931	23,889	12,065	12,424	4,954	196
% nonbearing	10.6	18.9	16.5	23.3	17.1	1.6
Trees / acre	36	38	36	39	41	53
% of Va orchards	5.4	3.6	2.6	2.7	1.4	1.0
<b>Rockingham</b>						
Acres	3,287	2,551	2,139	1,680	1,978	1,836
Orchards	84	61	30	18	14	14
Total trees	120,626	94,199	83,638	73,092	115,862	113,465
Bearing trees	113,811	68,480	69,074	50,220	59,894	97,189
Non-bearing	6,815	25,719	14,564	22,872	55,968	16,276
% nonbearing	5.6	27.3	17.4	31.3	48.3	14.3
Trees / acre	37	37	39	44	59	62
% of Va orchards	4.1	4.3	3.4	2.2	2.0	2.3
<b>Frederick</b>						
Acres	16,141	12,982	11,085	10,375	8,954	8,201
Orchards	330	201	155	135	113	103
Total trees	596,588	477,397	451,571	456,517	459,634	480,951
Bearing trees	516,639	390,104	325,559	318,357	303,982	417,189
Non-bearing	79,949	87,293	126,012	138,160	155,652	63,762
% nonbearing	13.4	18.3	27.9	30.3	33.9	13.3
Trees / acre	37	37	41	44	51	59
% of Va orchards	16.0	14.3	17.5	16.7	16.3	17.2
<b>Virginia total</b>						
Acres	73,044	55,853	41,023	37,206	31,380	28,538
Orchards	2,059	1,405	885	808	694	599
Total trees	2,765,787	2,093,817	1,675,818	1,652,925	1,668,859	1,592,706
Bearing trees	2,384,024	1,676,185	1,213,409	1,143,023	1,146,096	1,392,129
Non-bearing	381,763	417,632	462,409	509,902	522,763	200,577
% nonbearing	13.8	19.9	27.6	30.8	31.3	12.6
Trees / acre	38	37	41	44	53	56
% of Va orchards	100.0	100.0	100.0	100.0	100.0	100.0

Compiled from Virginia Fruit Tree surveys for indicated years <sup>2</sup>.



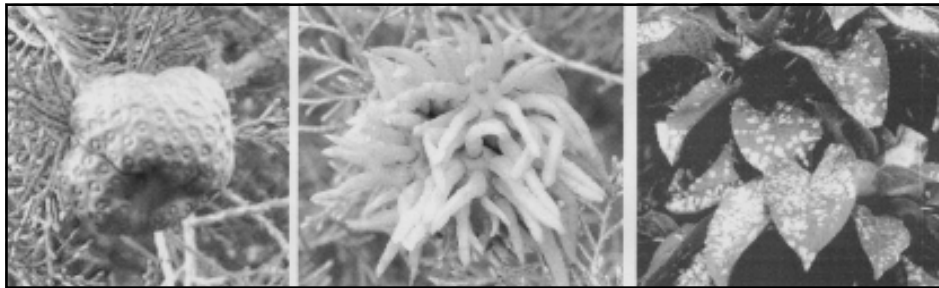


ties, but the fact that the trends were more dramatic in Augusta supports the idea that removal of apple acreage was directly related to an increase in the beef cattle industry.

There may have been other similar trends with other possible agricultural ventures that we have not studied in depth, such as sheep numbers, hay, or other field crops, or poultry.

**Inconsistent bearing in Augusta County: a cedar-apple rust factor?**

The fungal disease, cedar-apple rust, may have been a possible cause for some differential decline between Augusta County and the Virginia counties to the north in the 1920s. Cedar rust causes bright orange lesions on apple foliage and fruit and may result in serious defoliation, especially on the York Imperial variety. When heavy infection causes serious defoliation, “return bloom” for the following year is limited, and the following year’s crop is reduced, so a bad infection one year takes much of the crop for two years.<sup>9</sup> Cedar-apple rust requires both the eastern red cedar and the apple tree to complete its disease cycle. It became known that removal of the cedar trees within one or two miles upwind of an orchard made infection of the apple tree much more manageable with the marginally effective fungicides.



*Cedar-apple rust pictures: (left) Dimpled, brown, dormant cedar-apple rust gall as seen on the red cedar tree during the winter. (center) Rust gall with bright orange “spore horns” as seen during a rainy infection period in the spring. Some of these may be almost as big as a tennis ball when the spore horns are fully extended. (right) Bright orange rust lesions, which start to appear on young apple foliage and fruit about two weeks after a spring infection period. Spores produced on the underside of apple leaves infect the cedar tree in late summer and fall.*



*The old cold storage unit on Richmond Road in Staunton near the Greenville Avenue underpass. (Photo by Keith Yoder)*

After heavy infection years in 1910 and 1912, fruit growers petitioned their legislators for a Cedar Rust Law, which declared the red cedar tree a nuisance. It was passed and became effective March 4, 1914.<sup>10</sup> Agriculturist F.D. Fromme noted in 1918 that cedar rust had cost the Virginia apple growers about a half-million dollars per year during the previous eight to ten years, and that half of the York fruit in Augusta were culls due to cedar rust in 1918. However, discussions by Virginia tree fruit pathologists as late as 1925 indicated that there was still doubt, even among fruit growers, about whether cedar tree eradication would effectively suppress the disease. Before the cedar eradication law went into effect, people with ornamental cedar trees had to be educated to convince them to give up their trees for the good of the local apple industry. The eradication law was subject to local approval and adoption by the board of supervisors and circuit county court ratification. Frederick County enacted it a couple years sooner than some areas such as Augusta, Rockingham, and Shenandoah Counties. The differences in infection were as apparent as “day and night” to growers who had participated in a tour during that summer. “In (Augusta, Rockingham, and Shenandoah) cedar rust came out and hit you in the eye, and in (Frederick) you had to look for it.”<sup>11</sup>

In 1919, the Augusta County fruit growers requested a survey of the correlation between cedar rust severity and the number of red cedar trees near the orchard.<sup>12</sup> The survey, which included data on

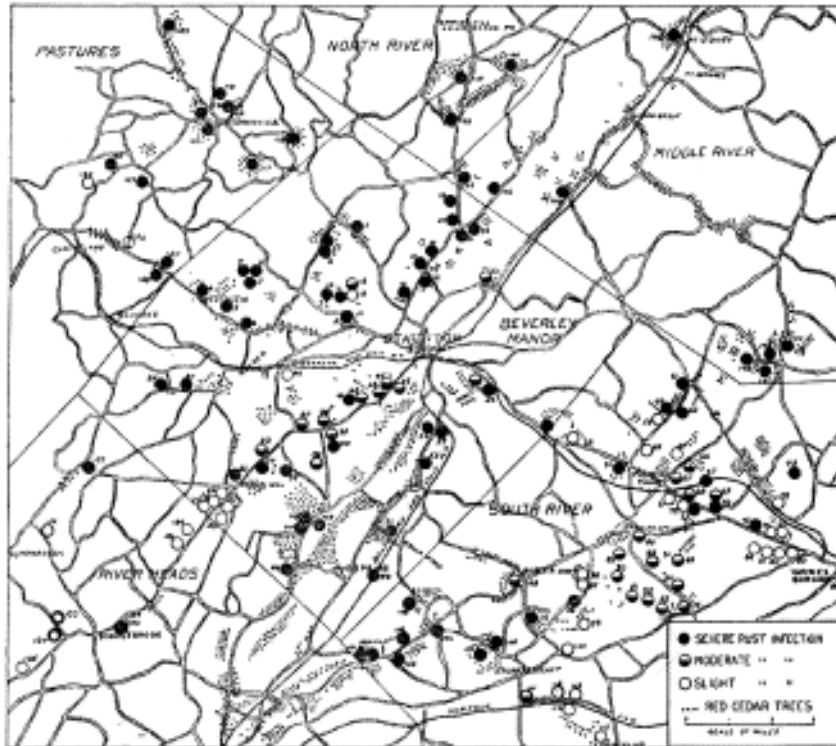


Figure 4. Survey of cedar trees and cedar rust severity on York Imperial apple trees in Augusta county, 1919. Severe rust infection was shown as a black circle, moderate rust as a half-black circle and light infection by an open circle, and location of cedars by small x's. (From Marshall and Fromme, 1920)<sup>12</sup>

the amount of defoliation and fruit size, is summarized in a map (Figure 4) from their publication. They concluded that there was a strong agreement between rust severity in orchards and number of cedar trees in the vicinity, and that eighty-one percent of the orchards suffered moderate to severe injury. Orchards with "very few" cedar trees within one mile yielded over five times those with "very many" cedar trees within one mile (2.66 bushels/tree compared to 0.52 bushels/tree). They calculated that cedar rust had cost Augusta County growers more than a half million dollars that year, and this was after the South River District (lower right in the map) had already begun to reap the benefits of some of the first cedar tree removal in the county. So, at least during those several years when the Augusta cedar eradication program lagged behind Frederick's, cedar-apple rust could have played a significant role in the depressed economics of apple production in Augusta County.

There were some interesting aspects about the Cedar Rust Law.<sup>13</sup> Compensation to those who had cedar trees cut as a result of the eradication



law was provided by assessments on apple acreage in the district. This was based on acres of trees over two to ten years old (fifty cents per acre) and more than ten years old (\$1.50 per acre). Each district supported its own program. The law granted the state entomologist, his assistant, and employees authority to enter any premises for the purpose of carrying out the provisions of this act. Anyone who obstructed or hindered them in the discharge of their duties could be convicted of a misdemeanor and subject to a fine of five to fifty dollars. Paul Clarke said that a gentleman who ran a fruit stand for their family had helped cut cedar trees as part of the program when he was a young man, and he told Paul that there were some tense times dealing with folks who didn't want to have their trees cut. By Paul's estimate, this would have taken place in the 1920s.

The Cedar Rust Law had a provision for individuals to prevent ornamental cedars from constituting a menace in "dooryards, graveyards, cemeteries and parks" and that they could also be fined if they didn't carry out the agreed plan.<sup>14</sup> A 1918 report noted that adoption of the law was strenuously fought in some districts but that, in general, the region's fruit growers were able to obtain the benefits of the law wherever it was needed. "The most prominent exception was the continued refusal of the supervisors of Shenandoah County to grant the requests of certain orchardists to adopt the law in the Stonewall district."<sup>15</sup> Those involved with the cedar-cutting efforts were encouraged to appeal to the landowner for permission to cut them without relying on the law, thereby reducing the cost of the program. However, this did not always work, as some individuals held out, apparently hoping to receive more money.

After the mid-1940s, cedar-apple rust was probably not much of a factor because of the availability of new, more effective fungicides. John Hailey said that cedar-apple rust was not a factor for production during the time his father was involved in the Stuarts Draft area in the 1920s and 1930s.

A final intriguing aspect of the Cedar Rust Law is that it was tested in court (*Miller v. Schoene*, 276 U.S. 272, 1928) by a delegate who had voted in favor of it! Dr. Caspar Otto Miller was a member of the 1914 Virginia House of Delegates and had contributed to the unanimous 88-0 vote after successfully moving to amend the act.<sup>16</sup>

#### **Other possible reasons for decline of the industry**

There are several other possible reasons for financial stress on individual orchards or adjacent orchards and some of these may have



impacted Augusta County orchards during the 1950s and 1960s. We did not find mention of extended drought or hail, for example, happening as a factor specifically limiting production in Augusta County.

#### **No one to take over the operation**

In any orchard or other agricultural situation there comes a time when the operation must pass from one generation to the next. The problem of whether or how this occurred in some Augusta County situations may have limited succession of that orchard land to the next generation. Profitability of a location may determine whether that operation remains in orchard or goes into a different land use following passage from one generation to the next. So reliability of cropping would still be a prime influence whether it remains in orchard with a new owner or goes into another type of agriculture or housing development if local economics and zoning favor such development.

#### **Local leadership**

Frequently local agricultural endeavors benefit from having an innovative leader. During the 1960s Fred Frederickson, Turkey Knob Orchard in Mt. Jackson, was widely recognized among Virginia growers as such a leader. His strong influence promoted the switch to higher density, heavier bearing orchards with attractive fresh market varieties that surely improved production averages and profitability of his orchards with influence in Shenandoah and Rockingham Counties during that time. However, planting records show that similar high density orchards were tried by growers with new plantings in Augusta but that production there was limited by irregular cropping due to frequent frost damage.

#### **Labor issues**

Fruit growing requires much labor and there were indications that the opening of the DuPont plant in Waynesboro may have attracted Augusta County orchard workers with higher paying, year-round jobs that could have reduced the available labor pool.<sup>17</sup> During World War II labor was particularly short and German prisoners were used to fill this need. Paul Clarke noted that Mr. Bedall, manager of their Beverley Manor Orchard, who lived to the age of ninety-eight, had developed friendships with German workers that lasted long after the war, and he would visit back and forth with them for many years.

#### **Market situation**

Fresh market competition from the West Coast would likely have affected most of Virginia's production areas similarly, so it would



not appear that Augusta County's location was uniquely disadvantaged in this regard compared to surrounding areas such as Rockingham, Shenandoah, or Albemarle. Much of the northern part of the Valley's production in the past one hundred years has been directed toward the processing market, and those orchards closer to a plant may have benefited from lower transportation costs. At one time National Fruit had a vinegar plant in the Waynesboro area. Later the nearest plant would have been in Timberville, with others in Mt. Jackson and Winchester. Perhaps Augusta never made the strong commitment toward processing production and failed to remain competitive in the fresh market; however, during this time several counties east of the Blue Ridge- Rappahannock, Nelson, and Albemarle ranked fourth, sixth, and seventh, respectively, while Augusta had slipped to eighteenth by 1977. Reliable yield affects both the processing and fresh market producer's continuing profitability similarly.

#### **Reasons for the early rise of the industry in Augusta**

In view of a history of chronically poorer apple yields in Augusta, perhaps the question should not be "why the industry declined?" but rather, "Why did it first become prominent there?"

Historically, Augusta County farmers had been among the most progressive in the state, ready to improve their production methods, move toward more mechanization, and adopt new livestock bloodlines or plant varieties.<sup>18</sup> A downward spiral in farm prices, such as wheat in the 1870s, led to increased efforts to improve efficiency and diversification. Innovations by locally prominent agribusinessmen were followed by others. Previously, most farms had some small orchards, but the innovative practice of planting large-scale commercial orchards in Augusta in the 1890s expanded to other parts of the Valley.<sup>19</sup> The London export market was a common goal for several apple varieties, but especially Albemarle Pippins, the only variety allowed into Great Britain import tax free (because Queen Victoria liked them!). A factor in the rapid expansion of planted acreage in Augusta was local nurseries capable of supplying trees of preferred varieties, including York Imperial, to support growth of the industry. Some of this expansion could be attributed to speculation by northern businessmen.

For more than fifty years there have been orchards that were turned into housing or other developments so that is not just a recent phenomenon. Some of the orchards fell victims to the coming of Interstates I-81





and I-64. Some likely went into development, especially near Staunton and Waynesboro. However, compared to recent trends in the Winchester area, many of Augusta County's orchards were not removed to go directly into housing developments, but rather were left as open areas as pastures. One can explore such situations on the Internet.<sup>20</sup>

### **"John is big in cattle"**

As indicated above, the favorable livestock industry may have hastened the shift away from the apple industry. On the lighter side, let us consider a bit of "local oral tradition." Harold Reid of the Statler Brothers was a member of the Beverley Manor High School class of 1957, and it is documented that he picked apples while he was growing up.<sup>21</sup> But in the Statler Brothers song, "Class of '57", released in 1972, among the various occupations and pre-occupations of about twenty-four supposed members of that class, "John is big in cattle" is the only certain mention of anything agricultural. (We aren't told why classmate "Ray is deep in debt" or the agricultural implications of Paul's "selling part-time real estate.") Further, never among all of the Statler Brothers nostalgic "Whatever happened to?," "Do you remember these?," and "Carry me back" lyrics, do we find mention of anything about the apple industry or the rapid disappearance of apple orchards from their local landscape. So by the fifteenth anniversary of that class of '57, "John was big in cattle" but the Augusta apple industry had slipped from fifty-one orchards in '56 to ten in '72 but (with all due respect to these first-class local legends), it's a pity that the loss of these orchards didn't make an honorable mention by the Reids. Maybe they could still write a song about it now, or maybe it was one of the songs Don Reid "wrote but never sang to anyone."

### **Conclusion**

So just what did happen to the apple industry of Augusta County? Considering the available information, it appears that frosts in the county frequently reduced the crop below competitive limits and there were more inviting agricultural enterprises in which to invest. Labor shortages and proximity to factories employing labor and requiring housing also may have played a role in the decision-making process. When this decision had to be made was up to the individual operation.

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- <sup>15</sup> Ibid., 100.
- <sup>16</sup> Ibid., 106.
- <sup>17</sup> MacMaster.
- <sup>18</sup> Ibid.
- <sup>19</sup> Ibid.
- <sup>20</sup> There are some interesting map comparisons that can be made by observing them first on the Terraserver site or from an older quadrangle map, which shows orchard areas from the 1960s-1980s as green-white checked areas: <http://terraserver-usa.com/image.aspx?T=2&S=12&Z=17&X=830&Y=5276&W=3&q=%7cStaunton%7cVA%7c> The view at this URL, from currently 7/1/1981, shows what were orchard areas in small green squares. After these are located, one can toggle to an aerial photo view (in this case 5/1/2000) and get some idea of what is in that location more recently. One can then go to a more recent view at Virtual Earth: <http://maps.live.com/> or similar mapping program with aerial view, to see a more recent view of what now occupies that location.
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# Virginia Valley Orchard Co., Inc. Stuarts Draft, Va.

by Vera Hailey

*The information for this article was taken from oral history accounts given by Joe Hailey (the author's grandfather who died in 1979) as well as the records kept by Joe Hailey and his wife, Bessie Brydge Hailey. Information was also obtained by the author from a 1996 interview with Fred and Patsy Morehead Stubblefield who are now both deceased. Mrs. Stubblefield was the daughter of the orchard superintendent, Clyde Morehead, and grew up on the orchard property. All photos are courtesy of the author.*

The Virginia Valley Orchard Company, Inc., headquartered in Pittsburgh, Pennsylvania, began operation in Stuarts Draft, Virginia, in 1912 on land purchased from the Brown family. The location was in the area of what is now Horseshoe Circle and Mullins Lane, off Cold Springs Road. Clyde Morehead, a graduate of Vir-



*Orchard superintendent Clyde Morehead*

ginia Polytechnic Institute (now Virginia Tech) with a degree in horticulture, relocated from Pulaski to assume the position of superintendent. He lived with his family in a Sears & Roebuck prefabricated house that was ordered from a catalog and assembled on the property.

Augusta County native Joe Hailey had learned the orchard business while growing up in his family orchard. Morehead hired him and named him foreman at an early salary of \$100 per month, which included meals



*Virginia Valley Orchard foreman Joe Hailey, left, and an unidentified worker load apple crates in the 1930s.*

with the superintendent's family, a horse and buggy, and use of a tenant house. Hailey married in 1932 and built a house on land that adjoined the orchard property.

Instead of issuing corporate stock, parcels of land were sold to individual investors. Apple trees were planted on some of the lots and others remained unfarmed or in forest land. Some parcels were named for their owners, such as "Grubbs' Hill" and "The Marshall Place," and others were referred to by their lot number. All of the profits from the entire operation were pooled and each investor received the same dividend return regardless of whether apples were actually harvested from their land.



*Virginia Valley Orchard Co. foreman Joe Hailey and his wife Bessie Brydge Hailey stand in the orchard.*

Three teams of horses, purchased for \$500 per pair, were sent down from Pennsylvania. A well drilling operation from Charlottesville was contracted to drill wells, as water would be vital to the business. A steam driller was trammed the thirty-mile trip, stopping at regular intervals so the machine could regain power.

To combat disease and blight, water was loaded into tanks and mixed with a lime/sulfur compound and sprayed on the crop. Four hundred gallons were mixed at a time. A team of horses pulled the tank and spray rig.

Many of the orchard laborers lived in the surrounding area and walked to work. During the 1920s, a Campbell family from Love, which was fourteen miles away, was said to leave each evening on foot and return early the next work day.

The orchard produced numerous varieties of apples, including York, Imperial, Stayman, Grimes Golden, Winesap, Maiden Blush, Red Delicious, Golden Delicious, Black Twig, Ben Davis, and crab apples. Most of the apples were packed into barrels and put on trains at the railway station at Stuarts Draft and transported to other domestic locations as well as overseas. The initial mode of transport to the station was horse and wagon, with trucks being used later.



*Joe Hailey, orchard foreman*

In 1928, an ice storm ripped through the area and wreaked havoc on the trees, which by that time had reached good production levels. To repair the damage from the weight of the ice, the trees were painted with blue paint and bolted and tied together with wire. The trees continued to produce but they were never as prolific as they were before the storm. Tragedy struck again that same year when a worker was killed while hand digging a well.

The profitability of the orchard varied. Hailey estimated that a profit was made only one year out of five.

Two out of five years they broke even, and they lost money the other years. The orchard remained in operation until the early 1940s when a lawsuit filed against the corporation prompted a bankruptcy filing. Much of the land was sold to Joe and Bessie Hailey and E.M. Shultz.



*In this photograph, taken April 22, 1922, workers at the Virginia Valley Orchard Co. in Stuarts Draft use a horse drawn rig to spray apple trees.*





# The Campaign for Eugenics in Virginia: The Influence of Dr. J.S. DeJarnette

by Amanda D. Brocato

*Amanda D. Brocato is a student at Mary Baldwin College. She was a Hamrick Archival Intern at the Augusta County Historical Society in 2007-2008.*

Early in the twentieth century Virginia was defined by a new era of progressive ideas on social status, race, gender, and health services. The Progressive Movement in the state would be directed by an elite group of white men employed by the Commonwealth who were closely connected in their personal and professional lives. The objective of this elitist group of social reformers was to use the state legislature to control society and use eugenics to purify Virginia's citizens. Their influence on social reform resulted in the passing of the Sterilization Act by the Virginia Legislature on March 20, 1924, also known as the statute of sterilization under the Racial Integrity Act. The Act allowed certified state physicians to sterilize any patient under their care who was diagnosed as "afflicted with hereditary forms of insanity that are recurrent idiocy, imbecility, feeble-mindedness or epilepsy"<sup>1</sup> and declared miscegenation a felony. Virginia's sterilization Act was inspired by a national advocate for eugenics named Harry Laughlin. In 1922 Laughlin wrote a book titled the *Model Eugenical Sterilization Law* and in 1925 he would actively support sterilization in Virginia by issuing a statement during the Supreme Court decision of *Buck v. Bell*.

One notable figure of the movement was Dr. Joseph S. DeJarnette (1866-1957) from Staunton, Virginia. Dr. DeJarnette became a household name in Virginia and in the nation's medical arena after his participation in the *Buck v. Bell* Supreme Court Case. DeJarnette is most well known for his enthusiastic, at times obsessive, campaign to implement the sterilization of mental "defectives" across the state and the country. His impact on the medical community in Virginia resulted in the involuntary sterilization of hundreds of citizens in the state while



he was Superintendent of Western State Hospital in Staunton, Virginia. His thirty-eight-year-tenure, from 1905 to 1943, represents the longest tenure of any superintendent in the hospital's history.

### **History of the DeJarnette family in Virginia**

Joseph Spencer DeJarnette was born on September 29th, 1866, in the town of Berkeley located in Spotsylvania County, Virginia. His father Ellutt or Elliot Hawes DeJarnette was a wealthy farmer of an estate that was estimated in the 1870 U.S. Census to be valued at \$20,000 in real estate and \$900 in personal property, and reportedly a former slave owner. Once Virginia joined the Confederacy, his father left the University of Virginia, which he attended as a student, to volunteer as a soldier. While serving in the Confederate Army he earned the rank of captain. However, Captain E. H. DeJarnette was severely wounded at the Battle of Antietam.<sup>2</sup>

DeJarnette attributed much of his success to his mother educating him from an early age until he was ready to attend college. Evelyn DeJarnette was well educated herself and instilled rigorous study habits in her son who loved to read. In 1886 DeJarnette attended the Medical College of Virginia in Richmond. He graduated in 1888 with a degree in Doctor of Medicine. Dr. DeJarnette expressed how his mother played a pivotal role in his career by publicly stating that "My mother's teachings have influenced me more than everything else in my life. She early on taught me to be a close observer of natural phenomena and of events and happenings about me."<sup>3</sup>

After graduation Dr. DeJarnette was employed by the Soldiers Home in Richmond as an assistant physician. A year later, in 1899, he served as a druggist and assistant physician for Western State Hospital in Staunton. At Western State, DeJarnette found his primary interest in medicine through diagnosis, pathology, and treatment of mentally ill patients. In 1905, he became the first President of the Augusta County Medical Society and was already a member of the Virginia Medical Society. From 1899 to 1906, DeJarnette served as an assistant physician at Western State Hospital where he headed the section for males.<sup>4</sup>

### **DeJarnette's Life in Staunton**

On Valentine's Day in 1906, he married Dr. Chertsey Hopkins who also worked and lived at Western State Hospital as an "officer."<sup>5</sup> The first address of the two on record was 331 Greenville Avenue in Staunton, Virginia, in 1931. In the 1946 Staunton City Directory their address



changed to 354 Sherwood Avenue. The only record of a child between the two was in the 1954 Staunton City Directory where a “Joseph S. DeJarnette Jr.” was recorded as renting at the same address with his wife Dorothy H. DeJarnette. Joseph S. DeJarnette Jr.’s occupation was listed as a physician at DeJarnette Sanatorium, leading one to believe that the son followed in the same footsteps as his father. However, there are no further listings of J.S. DeJarnette Jr. thereafter. The last listing of Chertsey DeJarnette in the Staunton City Directories is in 1946, even though her husband is listed at the Sherwood address until 1956.<sup>6</sup>

On March 8, 1906, Dr. DeJarnette was awarded the title of Superintendent of Western State, which he held until 1943. In 1932, he convinced the state medical board to allow him to open the DeJarnette Sanatorium for middle-class citizens who were mental defectives and drug abusers.<sup>7</sup> On January 1, 1947 at eighty years old, he finally retired from the DeJarnette Sanatorium after a total of fifty-nine years of actively practicing as a physician at Western State Hospital and then at the Sanatorium. It must be presumed that he was a widower after 1947 and lived alone the last few years of his life. Dr. Joseph S. DeJarnette died on September 3, 1957, at ninety-one years old. However, the impact of his medical career and his theories on Eugenics lived on in the nation and especially in Virginia for roughly another twenty years.

#### **DeJarnette’s role in Eugenics**

Eugenics, Greek for ‘good creation’, is the use of science, usually through medical procedures, to control reproduction or improve the genes of a person or species. Eugenics during the Progressive Era was guided by the social prejudices of upper class white men to validate their beliefs of superiority. Across the country the same group of men, usually of Anglo-Saxon heritage, promoted the ideals of eugenics. The years surrounding World War I and increased immigration, resulted in an increased desire for intellectual groups to classify intelligence in the United States using eugenic theories to explain the differences of intelligence in class, sex, and race. Even Alexander Graham Bell held a position on a Eugenic Board in Cold Spring Harbor, which he served as chairman for three years until the movement encountered ethical objections that caused his resignation in 1916. Sterilization was a medical technique used to carry out the ideals of eugenics in the late Progressive Movement. At the time, most objections to eugenics derived from religious conviction, usually by Catholic groups who believed that sterilization was immoral.<sup>8</sup>



Virginia's Eugenic Movement can be traced back to the opening of the Virginia Colony for the Epileptic and Feeble-minded in Lynchburg, Virginia, in 1910. It was intended to be a permanent residence for citizens who were epileptic, mentally retarded, and disabled. In 1912 the Colony added "feeble-minded" to its title and was the largest asylum in the country. The Colony was created by the state to remove such defined persons from the rest of society to prevent "proliferation". Dr. Albert Priddy was superintendent of the Colony from the opening until his death during the Supreme Court case of Carrie Buck. As soon as the Colony opened, Priddy made a special request to the state legislature to admit women of child bearing ages, beginning as young as twelve and ending at forty-five.<sup>9</sup>

Early on, women became the primary targets for sterilization practices by physicians and the medical institutions that invested in the principles of eugenics. Harvard, Cornell, Columbia and U.Va. all offered eugenic theorized courses for their students, but these social and gender theories were not limited to these institutions alone. Irving Fisher, a Yale economist, made a public statement in 1916 explaining why "feeble-minded" women should be sterilized: "many women of the borderline type of feeble-mindedness, where mental incapacity often passes for innocence, possess the qualities of charm felt in children, and are consequently quickly selected in marriage."<sup>10</sup> Physicians all over the country believed that feeble-minded women must be sterilized before they attracted men and bore feeble-minded children.

Priddy is estimated to have sterilized eighty women between the years of 1916-1917. Some of the women were not diagnosed as mentally defective but only recorded as having a "pelvic disease." Women who were sterilized were often not fully aware of the consequences of the procedure and were reluctant to discuss any matters regarding their anatomy. It was common for women to have unspecified surgical procedures performed by their physicians since women were thought to have more medical problems than men due to their fragile physique. Doctors often did not attempt to even explain the illness or the procedure to their female patients. They believed women were cognitively inferior to men and would never be able to comprehend what the physician was saying. The sexism of the time period combined with the newly intensified social prejudice of the era, resulted in the sterilization of poor lower class women at a higher rate than other classes or men in



the state. Some physicians like Priddy targeted women more instead of men for the simple fact that women bear children and at the time it was taboo to perform operations on male genitalia.

Dr. J. H. Bell, who would be the successor to Priddy at the Lynchburg Colony, stated “female defectives preyed on men of all mental levels through sexual aggressiveness.” Therefore, feeble-minded women were dangerous since “the feeble-minded male cannot enter into serious competition with the normal male for the affection of the feeble-minded female” which caused the feeble-minded females to prey on the normal males, infiltrating the population with their feeble minded genes.<sup>11</sup>

Eugenics in Virginia, as well as in the rest of the country, primarily targeted people living in poverty or lower class status. Only eight people out of the first 1,000 sterilized in the state were of a “superior” class, in today’s terms middle to upper middle class. During the WWI draft in Virginia, the military reported that the state had a high quantity of feeble-minded young men. As a result, in 1918 the Virginia General Assembly attempted to pass a law “prohibiting the marriage of individuals who were criminals, mentally retarded, epileptic, insane, or infected with venereal disease”<sup>12</sup> but failed to pass the legislation in both houses. Similar attempts were made in the early 1910s. The case of Charles v. Carrington involved a Virginia State Penitentiary surgeon who proposed mandating the sterilization of male criminals who were repeat offenders.<sup>13</sup> It is strange that only fourteen years later the sterilization statute did not require the sterilization of incarcerated persons who were repeat offenders. The Sterilization Act explains “many defective persons who if now discharged or paroled would likely become by the propagation of their kind a menace to society but who if incapable of procreating might properly and safely be discharged or paroled.”<sup>14</sup> If mental defectives were considered a menace to society that should be sterilized, then why not repeat offenders? One possible answer is that sterilization was considered a remedy for hereditary mental illness. Since there was no mention of criminal behavior being hereditary by Dr. DeJarnette or Priddy, then possibly no one believed sterilization to be a treatment for criminals.

In a 1915 pamphlet published by Virginia’s Department of Health, Dr. DeJarnette explains how feeble-mindedness can be prevented. The remedies he suggests lie solely in sterilization and further legislation preventing the marriage of those deemed “unfit” for reproduction. Segregation of those deemed unfit is also a necessary action according to



DeJarnette: "Segregation, of course is an expensive remedy, but it is also more expensive to care for the increasing cumulation of this class, who, with their offspring, form a large proportion of our dependents, 1 to 300 of the population. To this class of the unfit belong the insane, the epileptic, the alcoholic, hereditary criminal, the syphilitic, the imbecile and the idiot, and none of these should reproduce. If proper steps be taken the unfit can be made to grow annually smaller, and finally disappear entirely from our registers."<sup>15</sup> This quotation shows that early motives behind sterilization were an attempt to control mental illness in the state the only way they knew how in that time period, by deciding who they felt was fit to reproduce and separating the unfit from the rest of society.

Dr. DeJarnette began to use his connections with Strode and Priddy to gain further support in the state regarding sterilization. First, he had to convince the public officials of Virginia to allow physicians further control over their patients while they were admitted in state facilities. DeJarnette soon became a master of propaganda by using his gift of writing to create poetry that supported eugenics. In 1921, DeJarnette composed his most distinguished poem which was renowned around the country as a defining piece of literature that captures the eugenic movement of the late Progressive Era titled *Mendel's Law: A Plea for a Better Race of Men*. In the poem DeJarnette makes a statement that a farmer's livestock is better bred than the farmer's own children. Lines eleven through twelve: "Look at his horses and cattle, Even his hogs are thoroughbreds, Then look at his stamp on his children, Low browed with the monkey jaw, Ape handed, and silly, and foolish." The quote clearly supports the theory that DeJarnette wished for the sterilization of the lower classes in Virginia, without a sense of regard to actual mental illness. He reveals his objective for the poem in lines twenty-five through thirty-seven:

This is the law of Mendel, And often he makes it plain, Defectives will breed defectives  
And the insane breed insane. Oh why do we allow these people To breed back to the monkey's nest, To increase our country's burdens  
When we should only breed the best? Oh, you wise men take up the burden,  
And make this you(r) loudest creed, Sterilize the misfits promptly – All not fit to breed;  
Then our race will be strengthened and bettered...<sup>16</sup>





DeJarnette and Priddy influenced Strode to draft the Virginia Sterilization Statue and both were present at the 1924 General Assembly session. DeJarnette argued that the sterilization patients in state facilities would save the state thousands of dollars by ending the cycle of feeble-mindedness which was inherited. The only opposition the statue encountered was two votes in the Senate. Approved March 20, 1924, Chapter 349 stipulates the requirements of sterilization to be "Any inmate of a state institution for the insane, feeble-minded or epileptic, who is afflicted with hereditary recurrent insanity, idiocy, imbecility, feeble-mindedness or epilepsy, and who, if sterilized, could be paroled or discharged and could be come self supporting."<sup>17</sup> Many patients were only admitted for a month or two and then released once the sterilization operation was performed.

The statue also specified that a "Special Board of Directors would be assigned to each state hospital or colony with power to grant or refuse petition for sterilization presented by superintendent of any state hospital."<sup>18</sup> A salpingectomy or vasectomy would be performed, without harm to the patient, if the Special Board of Directors "finds that inmate is the probable potential parent of socially inadequate offspring likewise afflicted, and if the operation can be performed without detriment to his general health."<sup>19</sup> However, the statue does specify that castration is not an acceptable medical procedure.

For Virginia's first sterilization patient under the new law, Dr. Priddy chose Carrie Buck at the Lynchburg Colony who was committed on June 4, 1924. Priddy believed Carrie was a prime example of a woman who had inherited feeble-mindedness. He was also confident that the case would prove feeble-mindedness to be hereditary and not a product of environment since Carrie was adopted when she was four by the Dobbs, "normal" minded people. Both Carrie and her mother Emma Buck were committed to Colony at the time the General Assembly passed the law. The circumstances created a perfect opportunity for Priddy to ensure the legality of the sterilization statue would endure once the case went to court. Irving Whitehead was chosen to defend Carrie and ironically was one of Aubrey Strode's business associates and a long time friend. Priddy died in January 1925 of Hodgkin's disease and was replaced by his associate J.H. Bell. After the first trial by the Circuit Court of Amherst County declared the statue constitutional on April 13, 1925, an appeal sent the case to the State Supreme Court.<sup>20</sup>



The analysis of Carrie Buck used during the case stated while Carrie is actually eighteen years old she had a mental age of nine according to the Stanford Revision of Binet-Simon Test. She was also “of social and economic inadequacy; ...[and had a]... record during life of immorality, prostitution, and untruthfulness.”<sup>21</sup> Carrie was admitted to the Colony by her foster mother after being raped by Mrs. Dobb’s nephew. The rape resulted in a daughter named Vivian. The assistant director of the Eugenics record office of the Carnegie Institution of Washington, Dr. Harry Laughlin from Long Island, submitted a statement for the court that “these people belong to the shiftless, ignorant, and worthless class of anti-social whites of the South.”<sup>22</sup> Later on Bell would explain that the indicator of “normalcy (was) a male and female whose two proceeding generations had not produced a single socially or economically adequate person.”<sup>23</sup> The quote shows that even though Carrie had been raped and her daughter Vivian made the honor roll on multiple report cards, there was no compassion from the psychiatrists who were leading the eugenics movement.

Dr. DeJarnette, who at the time was superintendent of the largest mental hospital in the state, was called to testify that Carrie had inherited feeble-mindedness from her mother Emma. Dr. DeJarnette used the example of Mendel’s Law to suggest that feeble-mindedness was a recessive trait and since Emma was feeble-minded, Carrie had a one in four chance of being feeble-minded herself. He assured the court, “feeble-mindedness runs in families.”<sup>24</sup> After hearing her evaluation, DeJarnette explained to the court that he believed Carrie was a potential parent of another inadequate offspring and the state would benefit from her sterilization as a means of preventing more defectives. DeJarnette played an active role in the case that resulted in the November 12, 1925, Supreme Court of Appeals decision to sustain the previous verdict that the sterilization law was constitutional. Virginia’s sterilization law inspired thirteen other states to create sterilization laws of their own.

Once DeJarnette had cemented the legality of sterilization and ensured that Superintendents in state hospitals had complete control of their patients once admitted, he began his life long campaign calling for further sterilization. In 1938, DeJarnette compared Nazi Germany’s eugenical efforts as being superior to those in the United States: “Germany in six years has sterilized about 80,000 of her unfit while the United States with approximately twice the population has only sterilized about



27,869 to January 1, 1938, in the past twenty years...the fact that there are 12,000,000 defectives in the U.S. should arouse our best endeavors to push this procedure to the maximum."<sup>25</sup> In the years following WWII, the Eugenics Movement lost steam after scientific criticism from lack of evidence and proper diagnosis of mental incapacities began to surface. The connection between eugenic supporters in the U.S. and the early practices of Nazi Germany caused the public to look upon the movement with distrust.<sup>26</sup>

The bad press did not stop DeJarnette from using his previous tactic, arguing that the state would save money in the long run if they ended the cycle of feeble-minded individuals through sterilization. In his efforts to further sterilization in Montgomery County, DeJarnette composed a packet of brochures advertising his own separate facility of Western State, appropriately named the DeJarnette State Sanatorium. In his letter advertising the facility he boasted,

I have already sterilized 45 defective people from the County of Montgomery, (14 children out of a family of 17) and on a moderate estimate will have saved the County of Montgomery in the next 100 years over four million dollars besides raising the mentality of the citizens of the country...By sterilizing this class we will certainly raise the average intelligence of our citizens and will save the State enormous expenses.<sup>27</sup>

DeJarnette believed he was providing a social service to Virginia and to the nation as a whole. By the 1950s most states had already abandoned the sterilization laws of the Progressive Movement. However, from 1924 to 1949, it is estimated that Virginia sterilized around 49,000 people, ranking second in the country for the most sterilizations performed by state hospitals, California held the number one position. The Virginia Colony at Lynchburg held the largest number of sterilizations performed in a state facility, with Western State taking second place. From 1949 to 1979 Virginia is estimated to have sterilized 1,877 people even though the law was repealed in 1974.<sup>28</sup>

Most sterilizations were performed on the poor and uneducated. In the earlier years of the Sterilization Act, women were sterilized on average more than men, until the post-WWII era when the numbers of sterilized men began increasing due to soldiers returning home with mental health problems or as alcoholics. Dr. DeJarnette evaluated WWII veterans returning to Virginia from overseas. He treated two patients for one month of care in 1945, but the records are inconclusive on what



exact treatment the patients received. Women were more likely to be sterilized for feeble-mindedness or socially inadequacy. Women made up sixty percent of patients sterilized over the course of the Act in Virginia. There were still some patients, men and women, who were not even aware that their doctors had sterilized them until years after they were released from the hospital.

After Carrie Buck's trial, she was sent back to the Virginia Colony where she was sterilized and was released shortly after the operation. She married William Eagle and, later in life, remarried to Charlie Detamore. Before her death in 1983 at a nursing home in Waynesboro, Virginia, Carrie Buck expressed deep remorse about her inability to have more children. In her words: "They done me wrong. They done us all wrong."<sup>29</sup> On May 2, 2002, in Charlottesville, Virginia, Governor Mark R. Warner offered the "Commonwealth's sincere apology for Virginia's participation in eugenics...[and acknowledged that]...the eugenics movement was a shameful effort in which state government never should have been involved."<sup>30</sup> A historical marker was placed in remembrance of the Supreme Court Decision *Buck v. Bell*.

As Virginians, we must embrace our past with the utmost integrity by acknowledging the blemishes of our state's history. Dr. Joseph S. DeJarnette felt very passionately that he was performing a service to his community, state, and county. At that time physicians believed that forced sterilization was a solution to curing all mental illness due to the belief that it was a disease acquired hereditarily. Dr. DeJarnette, along with others, earnestly thought that sterilization, albeit a drastic and unethical approach even at that time, would extinguish all mental defectiveness in the future. However, even after the estimated 50,000 people were sterilized, over a time span of more than fifty years, Virginia's mentally ill population never decreased in size. The medical community has come a long way in Virginia and it is partially due to the efforts of Dr. DeJarnette searching for a lasting solution in mental health care.

Now in the state people with mental disabilities can receive the kind of care they need from physicians and staff who are much more understanding of their needs. It took the violation of the natural human rights of others to help our state and county value all citizens. Without the mistakes of the past there would be less motivation to better ourselves for the future.



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## Appendix

### *"Mendel's Law: A Plea for a Better Race of Men"*

Poem by Joseph Spencer DeJarnette, 1921

*Oh, why are you men so foolish-  
You breeders who breed our men  
Let the fools, the weaklings and crazy  
Keep breeding and breeding again?  
The criminal, deformed, and the misfit,  
Dependent, diseased, and the rest-  
As we breed the human family  
The worst is as good as the best.*



*Go to the house of some farmer,  
Look through his barns and shed,  
Look at his horses and cattle,  
Even his hogs are thorough breds;  
Then look at his stamp on his children,  
Low browed with the monkey jaw,  
Ape handed, and silly, and foolish-  
Bred true to Mendel's law.*

*Go to some homes in the villages,  
Look at the garden beds,  
The cabbage, the lettuce and turnips,  
Even the beets are thoroughbreds;  
Then look at the many children  
With hands like the monkey's paw,  
Bowlegged, flat headed, and foolish-  
Bred true to Mendel's law.*

*This is the law of Mendel,  
And often he makes it plain,  
Defectives will breed defectives  
And the insane breed insane.  
Oh, why do we allow these people  
To breed back to the monkey's nest,  
To increase our country's burdens  
When we should only breed the best?*

*Oh, you wise men take up the burden,  
And make this you loudest creed,  
Sterilize the misfits promptly-  
All not fit to breed;  
Then our race will be strengthened and bettered,  
And our men and our women be blest,  
Not apish, repulsive and foolish,  
For the best will breed the best.*

## Endnotes

<sup>1</sup> American Philosophical Society, Eugenic Archives, "Virginia Sterilization Act of 3/20/1924", (Cold Harbor Laboratory: New York, 1999-2004) <http://www.eugenicsarchive.org/html/eugenics/static/images/1241.html> (accessed March 10, 2008).

<sup>2</sup> Tyler, Lyon G., *Men of Mark in Virginia: Ideal of American Life*, (Men of Mark Publishing Co.: Washington, D.C., Vol. IV, 1908) page 107.

<sup>3</sup> Tyler, 108.

<sup>4</sup> *Who's Who in America: 1946-47*, "DeJarnette, Joseph Spencer" (Chicago: A.N. Marquis Co., 1946), 24:591.

<sup>5</sup> Ancestry library, 1900 United States Federal Census, <http://search.ancestrylibrary.com/cgi-bin/see/> (accessed June 28, 2008).

<sup>6</sup> *Staunton City Directory: Including Augusta County* (Staunton: Hill Directory Co., 1931, 1940, 1944, 1946, 1948, 1950, 1952, 1954, 1956.)

<sup>7</sup> K.W. Stanley, "History in the Valley", May 19, 2008, <http://www.newsvirginian.com/wnv/>





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<sup>8</sup> Edwin Black, *War Against the Weak: Eugenics and America's Campaign to Create a Master Race* (New York and London: Four Walls Eight Windows, 2003), 70-104.

<sup>9</sup> U.Va. Claude Moore Health Sciences Library, "Eugenics", 2004, <http://www.healthsystem.virginia.edu/internet/library/wdc-lib/historical/eugenics/> (accessed March 6, 2008).

<sup>10</sup> Black, 103.

<sup>11</sup> Pippa Holloway, *Sexuality, Politics, and Social Control in Virginia 1920-1945* (Chapel Hill: University of North Carolina Press, 2006), 25-27.

<sup>12</sup> *Ibid.*, 24.

<sup>13</sup> *Ibid.*, 31.

<sup>14</sup> American Philosophical Society, Eugenic Archives, "Virginia Sterilization Act of 3/20/1924," (Cold Harbor Laboratory: New York, 1999-2004) <http://www.eugenicsarchive.org/html/eugenics/static/images/1241.html> (accessed March 10, 2008).

<sup>15</sup> J.S. DeJarnette: Superintendent Western State Hospital, Virginia Health Bulletin, (Department of Health, Vol. VII, Extra No. 4, March 5, 1915) 3.

<sup>16</sup> American Philosophical Society, Eugenic Archives, "Mendel's Law Poem, by Joseph DeJarnette, MD, witness in Buck vs. Bell case, date: 1921," <http://www.eugenicsarchive.org/html/eugenics/static/images/1235.html> (accessed March 6, 2008).

<sup>17</sup> Harry Laughlin, *The Legal Status of Eugenical Sterilization* (the Municipal Court of Chicago, 1929), 9.

<sup>18</sup> *Ibid.*, 9.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*, 7-16.

<sup>21</sup> *Ibid.*, 16.

<sup>22</sup> *Ibid.*, 17.

<sup>23</sup> Holloway, 55.

<sup>24</sup> Laughlin, 23.

<sup>25</sup> U.Va. Claude Moore Health Sciences Library, "Eugenics", 2004, <http://www.healthsystem.virginia.edu/internet/library/wdc-lib/historical/eugenics/> (accessed March 6, 2008).

<sup>26</sup> U.Va. Claude Moore Health Sciences Library, "Eugenics", 2004, <http://www.healthsystem.virginia.edu/internet/library/wdc-lib/historical/eugenics/> (accessed March 6, 2008).

<sup>27</sup> Dr. Joseph S. DeJarnette, Commonwealth of Virginia, DeJarnette State Sanatorium (Staunton, Virginia, February 18, 1944).

<sup>28</sup> Holloway, 53-58.

<sup>29</sup> U.Va. Claude Moore Health Sciences Library, "Eugenics," 2004, <http://www.healthsystem.virginia.edu/internet/library/wdc-lib/historical/eugenics/> (accessed March 6, 2008).

<sup>30</sup> U.Va. Claude Moore Health Sciences Library, "Eugenics," 2004, <http://www.healthsystem.virginia.edu/internet/library/wdc-lib/historical/eugenics/> (accessed March 6, 2008).



## Book Reviews

*[Editor's Note: The following section consists of reviews of recent books on regional and Virginia history as well as several that pertain to the history of the South. Unless otherwise noted, these reviews are by AHB Book Review Editor and Associate Editor Daniel A. Métraux, Professor of Asian Studies at Mary Baldwin College. Please send any reviews or questions about reviews to the AHB's Book Review Editor, Daniel Métraux at [dmetraux@mbc.edu](mailto:dmetraux@mbc.edu) or Dept. of Asian Studies, Mary Baldwin College, Staunton, VA 24401. The deadline for all reviews is October 1, 2009.]*

**Ann Smart Martin, *Buying into the World of Goods: Early Consumers in Backcountry Virginia*. Baltimore: The Johns Hopkins University Press, 2008. 260 pp. ISBN: 0801887275**

One might ask why read a book basically about shopping? The first answer would be that we all spend a great deal of time preparing to shop such as glancing at ads in the morning paper. Then we get ready to shop which might involve driving to a store in a distant city or looking for a parking place on Beverley Street in downtown Staunton. Finally, we all work in large part to pay the bills incurred by our shopping. Humans are consumers and any analysis of our consuming habits tells us a great deal about being human.

Ann Smart Martin, Chipstone Professor of Art History at the University of Wisconsin-Madison, delves into the passion of consumerism by analyzing the very complete ledgers of John Hook, a Scottish merchant who operated stores in Bedford and Franklin Counties, Virginia, just prior to the American Revolution. Martin's thorough research brings to life the everyday world of people living on the frontier of Virginia in the eighteenth century. Her clear style of writing and ample illustrations acquaint the reader with the objects that people desired and bought and considered essential to their lifestyle.

That alone is fascinating, but Martin moves beyond descriptions of articles and how business was done in the eighteenth century. In her words, "What remains is the most ephemeral and inexplicable part of consumerism. What did people desire and why? How would we know? What can object studies teach us that studying patterns and numbers has not?" (167)



Martin's conclusions do not fully answer those questions, but the objects she examines reveal layers of meaning. After reading this book, one might find oneself walking around one's house and asking the same questions. Why did I value this enough to buy it?

Several times in the book the author refers to the ledger of Matthew Reed and Hugh Johnson who were merchants in Staunton prior to the Revolution. That ledger is deposited in the William and Mary library. What images of life in Staunton might it reveal to some researcher?

—*Reviewed by Ed Covert, ACHS Board Member*

**Lehman, James O., and Steven M. Nolt. *Mennonites, Amish, and the American Civil War*. Baltimore: The Johns Hopkins University Press, 2007.**

When the Civil War broke out in 1861, there were Mennonite and Amish settlements in at least nine states, but local readers of this first-rate historical study will be interested chiefly in those in Rockingham and Augusta Counties in Virginia. Here the author's self-imposed limitations raise something of an issue: by choosing to focus exclusively on Mennonites in the Shenandoah Valley (the authors estimate there were 350-400 households), they exclude another important group which was caught up in most of the same dilemmas the war posed. Members of the Church of the Brethren—German in background, non-slaveholder out of principle, and pacifist by conviction—probably at least equaled the number of Mennonites in Virginia. The story of both groups has received little attention by scholars, and this ground-breaking study draws richly on primary sources to help fill the gap.

Mennonites and Amish trace their origins to the Anabaptist movement of the sixteenth century (Menno Simons was a contemporary of Martin Luther), while the Brethren find their beginnings almost two hundred years later in German Pietism. Both groups were fiercely persecuted by both the established German Protestant and Catholic churches. At the invitation of William Penn, the first Mennonites immigrated to Pennsylvania in 1683 to find religious freedom. In the next century, both Brethren and Mennonites followed in substantial numbers: they became known as Pennsylvania Dutch.

Most were from farmer stock, and stories of rich land in the Great Valley lured many down the Great Wagon Road into Virginia, while others spread out into the Ohio Valley and west to Iowa and Missouri.



In Virginia, the first came as early as 1727. As Lehman and Nolt explain, by the outbreak of the Civil War they were concentrated in Rockingham and Augusta Counties where they owned rich farms and mills and constituted an important part of the region's agricultural economy.

Use of the German language seems to have declined by the time the war began, but other practices set Mennonites and Brethren apart from their fellow Virginians. They did not own slaves as a matter of principle. They tended to believe in the importance of the Union, for it was in the Union that they had found tolerance of their unique religious beliefs. Their emphasis on quiet humility did not exactly mesh with the dashing assertiveness of Virginia's cavalier culture and, when war came, their absolute commitment to pacifism created immediate conflict with Virginia civil authority.

Lehman and Holt draw extensively on letters, diaries, and other primary sources to trace and document the moral soul-searching and day-to-day tribulations of Mennonites, not only in Virginia but in the North as well. Their research concludes that many Mennonites in Augusta County tended to support the Southern cause, albeit sometimes reluctantly, while those in Rockingham County were more active in their resistance, particularly in avoiding conscription. There were discussions about the morality of serving the military in non-combatant roles, paying substitutes, or simply fleeing military service. Of particular interest are the extensive ties that Virginia Mennonites maintained with co-religionists in the North, and the active "underground railroad" that enabled draft-age young Mennonite men to flee conscription.

Followers of Civil War military history will be particularly interested in the authors' account of Sheridan's 1864 campaign, which devastated the Valley. The authors cite John Heatwole's *The Burning: Sheridan in the Shenandoah Valley*, an outstanding history published locally which deserves to be reprinted. Of particular interest is their account of the aftermath of the killing on October 3, 1864, of Sheridan's chief engineer, Lieutenant John Meigs. In retaliation, Sheridan ordered—and later rescinded—the burning of all structures in the area, including the entire town of Dayton. The authors cite a Union soldier: "If this were farther down the valley, where locals had aided Confederate raids into the North, the destruction might have been justified," Patterson wrote in his diary. "But this place is the most loyal or at least most innocent of any I have seen in the Valley." No doubt the soldier was referring to the



Mennonites and Brethren whose descendents are still a major presence in the Dayton area.

As Sheridan withdrew, many civilian residents followed. The authors quote his message to Grant that over 400 wagonloads of refugees had left for the North, and “most of these people were Dunkers.” Sheridan’s term no doubt combined the Anabaptist Mennonites and the Pietist Brethren, and this suggests again how, in recounting the war-time history of the Valley, the authors’ decision to limit their account to Mennonites and Amish may result in some confusion. For example, John Kline, a notable Brethren elder from Broadway noted for his anti-slavery and anti-secessionist views, is outside the purview of this study, despite the fact that Elder Kline’s murder in June, 1864, is a major event in the history of resistance to the Confederate cause in the Valley.

James Lehman is himself a Virginian, and director emeritus of libraries at Eastern Mennonite University and an archivist of the Virginia Mennonite Conference. Steven Nolt is a professor of history at Goshen College. Their book is part of a series in Anabaptist and Pietist Studies published by The Johns Hopkins Press. Area residents with a particular interest in this aspect of local history would do well to visit the Valley Brethren-Mennonite Heritage Center in Harrisonburg, which does much to preserve and honor the history of these two unique groups in the Shenandoah Valley.

Lehman and Holt are particularly interested in the legacy of the war and how it has been interpreted, not only by historians but in popular lore as well. They note that in Virginia, “Curiously, over time the memory of collective civil disobedience receded. Perhaps such blatant anti-Confederate activity became too unpopular to recount as the postwar myth of a noble Southern Lost Cause gained clout....” Whatever the case, readers will owe the authors of this first-rate work a debt of gratitude for doing what the best history does: digging through the records of the past to recover and recount what real people really did, and why it should matter to us today.

—Reviewed by Ralph H. Ruedy, ACHS Board Member

**Miriam Joan Kinkead Hendricks, *Our Early American Kinkeads* (Hendricks, Blountville, Tennessee, 2007), 372 pages, index (\$70.50 postpaid, hardcover)**

Miriam Hendricks’ book, *Our Early American Kinkeads*, is a mammoth contribution to the genealogy of the Kinkead (Kincaid) family and



the history of Augusta County. Her comprehensive and extensive historical genealogy of David Kinkead (1690-1779); two of his sons, Joseph and Burroughs; and some of their descendents presents a detailed picture of David Kinkead as builder, land developer, family man, and man of faith. The details of his life are well documented. The biography of David is the most complete that has been written.

David Kinkead (Kincaid) came to Virginia in 1715 from Scotland. In 1729 David married Winifred Hobson Tillery, the widow of Samuel Tillery of Spotsylvania County. Winifred, the daughter of John Hobson, had two small children, John, four years old, and Mary, two. David's wife had passed away and he had children from his first marriage who were much older than John and Mary Tillery. In 1730 Joseph Kinkead, David and Winifred's first son, was born, followed by Burroughs in 1731 and John in 1736. Joseph married Rebecca Calvert in 1748; Burroughs married her sister Ann a few years later. Rebecca and Ann's parents John and Jane Calvert were Quakers. John Calvert was related to the first Lord Baltimore. John Kinkead married Elizabeth Logan, daughter of Robert and Bethnial Logan c. 1756.

The author continues the detailed narration from Joseph and Burroughs through two of David's grandsons, "Short David" (1750-1829) and "Long David" (1759-1829). As the narrative unfolds, focusing on the families of David and his sons Joseph and Burroughs, it is illustrated with black and white, as well as color, photographs of Bibles, churches, old buildings, and descendants, with maps and land surveys. There are over 150 pages of public and private records transcribed by the author, providing a view of the lands David held in his lifetime. There are wills and family letters as well.

David's career as a builder and land developer included his sons John, Joseph, and Burroughs in the business and partnerships with John Robinson, Colonel James Patton, and others. David built the first Augusta County jail, and between 1752 and 1755 he constructed the second Augusta County courthouse commissioned by the first justices of the Augusta Court to replace the log structure given by William Beverley when the county was established in 1738.

In 1773 Joseph Kinkead, David's son, received the contract from Augusta County to build the second jail and "part of his contract gave him the materials from the first jail that his father David had built."

The Kinkeads (Kincaids) were Presbyterians, and David and Winifred





were members of the Tinkling Spring Presbyterian Church, founded in 1740 when the Edinburg-educated minister John Craig came to Augusta County to establish churches. Rev. Craig baptized David and Winifred's daughter Elizabeth on June 20, 1743. and their son Hobson on August 4, 1745. David's family was affiliated with Tinkling Spring beginning in the 1740s and records identify David as a member, subscriber, and contributor from 1765-1770, living in the "upper Quarter South River area of Augusta County." His son Joseph was a member as well.

Colonel James Patton, a friend of David Kinkead, was a sea captain who owned large tracts of land in western Virginia and transported many Scottish immigrants to the Virginia colony. Patton served in the House of Burgesses and was a militia colonel. He was a key figure in Augusta County's development and was a leader in the Tinkling Spring Presbyterian Church. He was also a member of the Augusta Parish vestry. Colonel Patton was associated with David in his land developing enterprises. In 1755, during the French and Indian War, Colonel Patton was killed by Indians at Draper's Meadow.

David's business partner and friend of forty years, John Robinson, was Speaker of the House of Burgesses and Treasurer of the Virginia colony. Robinson was the most powerful man in Virginia for many years. He was born in 1704 at Hewick, Middlesex County, Virginia. and died on May 11, 1766.

During his career as a builder and land developer, David owned thousands of acres in Virginia with acquisitions in Augusta, Albemarle, Goochland, Spotsylvania, Amherst, and Washington Counties. With his success in the Colony of Virginia, David maintained his connection with his homeland throughout his lifetime, indicated by the fact that in the mid-1740s four of David's nephews arrived in Augusta County from Edinburgh, Scotland. Nephews George, James, Robert, and Samuel Kincaid came to Augusta County in 1746 following the Jacobite Rebellion. Other family members, brothers James and Joseph, appear in records of Albemarle County, Virginia. One record shows that James Kinkead died in 1762; his will was probated in December of that year; in 1774 his brother Joseph passed away.

This book is not a typical genealogy consisting only of pedigree charts, names, and dates. There are some charts, but the main body of the work is solid history, portraying with depth the Kinkeads (Kincaids) and the fullness of their lives. The emphasis is on the people; their struggles, en-



duration, and triumphs in the context of the times in which they lived, contributing to family, country, and church.

The narrative contains footnotes for the author's sources and an extensive bibliography; combined with the family Bible and public records. This book is a resource for descendents of David and Winifred Kinkead.

A copy of the book is in the Augusta County Historical Society's library. Readers can purchase a copy for \$70.50 from: Joan K. Hendricks, (hendrick3@earthlink.net) 404 Hamilton Drive, Blountville, TN 37617-6432.

—Reviewed by Patricia Thompson

**John R. Hildebrand, *The Life and Times of John Brown Baldwin, 1820-1873: A Chronicle of Virginia's Struggle with Slavery, Secession, Civil War, and Reconstruction*, Published for The Augusta County Historical Society by Lot's Wife Publishing, Staunton Va., 2008. \$21.95**

[Editors Note: Hildebrand's book may be ordered from the ACHS office, P.O. Box 686, Staunton, VA 24402 for \$21.95 plus tax and shipping, or a total of \$26.00]

When the reader opens John R. Hildebrand's biography of Staunton native, lawyer, and political leader John Brown Baldwin (1820-1873), we find him on a secret mission to the White House at the invitation of President Abraham Lincoln. Washington was buzzing with talk of war. It was late morning on April 4, 1861, when the secret emissary from Richmond arrived at the White House together with the Secretary of State for an extraordinary meeting with the President in a last ditch attempt to avert a bloody civil war that might destroy the Union. The President ushered the envoy into his office alone and then told his started guest, "You have come too late!"

Thus began a critical meeting at the White House between President Lincoln and John Baldwin. Baldwin was then part of the Augusta County delegation at a convention in Richmond, Virginia, where delegates would make the critical decision whether or not Virginia should secede from the Union. The southernmost states, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, had already seceded and now the rest of the southern states and several border states were trying to determine which course they should take. South Carolina was pressing the issue by demanding the immediate surrender of Fort Sumter in Charleston harbor.



Baldwin, already one of the most respected political leaders in Virginia, was one of the 152 delegates meeting in Richmond. While Virginia had the largest slave population in the South, a clear majority of the delegates favored the state remaining in the Union. Baldwin was one of the most outspoken and ardent supporters of the Union cause. During the course of these deliberations, President Lincoln, acting through his Secretary of State, William Seward, extended a surprise invitation to the Unionist leaders of the convention to send a representative to meet with him secretly in the White House on April 4. The Unionist leaders of the convention selected Baldwin as their representative. Baldwin left Richmond almost immediately and arrived in Washington early the next morning.

Baldwin was somewhat taken aback by Lincoln's opening remark. "I do not understand what you mean by saying that I come too late."

"Why do you not adjourn the Virginia Convention? It is a standing menace to me, which embarrasses me very much."

Baldwin replied,

Sir, I am very much surprised to hear you express that opinion; the Virginia convention is in the hands of Union men. We have in it a clear and controlling majority; we are controlling it for conservative results. I do not understand why you want a body thus in the hands of Union men to be disposed, or why you should look upon their sessions as a menace to you; we regard ourselves as co-operating with you in the objects which you express to seek.... [W]e of the border who have adhered to you against all the obligations of association and sympathy with the southern States have a claim on the states of the North.... You say that you do not mean to injure us in our peculiar rights. If you are in earnest about it there can be no objection to your saying so in such an authentic form as will give us the force of constitutional protection.

Baldwin continued with Virginia's demands on Lincoln:

Sir, if I were in your place I would issue a proclamation to the American people... I would state the fact that you had become President of the United States as a result of a partisan struggle; ...of more bitterness than ... usually marked such a struggle; ... in the progress of that struggle, there had ... arisen a great deal of misunderstanding and misrepresentation of the motives and intentions of both sides; that you had been misrepresented, and to a certain extent believed, to be inimical, to the institutions and interests and rights of a large portion of a large portion of the United States, but ... occupying the position of President of the United States, you had determined to take your stand on the broad platform of the general Constitution, and to do equal and exact justice to all, without regard to party or section.... And recognizing the fact without admitting the right, but protesting against the right, that seven States had undertaken to withdraw from the union,



you had determined to appeal to the American people to settle the question in the spirit in which the Constitution was made — American fashion — by consultation and votes instead of appeal to arms. I would call a national convention of the people of the United States and urge them to come together and settle this thing....

Baldwin called for a withdrawal of federal troops from forts Sumter and Pickens, warning that if any shots were fired in anger from them, the Unionist majority at the Virginia convention would vanish and Virginia would side with the secessionists. When Lincoln replied that withdrawal from Pickens and Sumter was “impossible,” Baldwin replied:

Then, Sir, I tell you... that if there is a gun fired at Sumter this thing is gone. You have the choice to make,... You have, I believe, the power to place yourself by the side of Washington himself, as the saviour of your country, or, by taking a different course... to send your name on the page of history notorious forever as the man so odious to the American people that, rather than submit to this domination, they would overthrow the best government that God ever allowed to exist...

The failure of the Baldwin mission marked the last chance to avert a war that to this very day claimed more casualties than any other. The shots fired on Sumter a week later and Lincoln’s call for 75,000 volunteers to crush the southern rebellion further negated any chance that Virginia would stay in the Union. As Baldwin predicted, the Unionist majority in the Virginia convention quickly dissolved and the delegates voted for secession before returning home. Baldwin voted against secession, but made a clear decision to support Virginia and the new Confederate government.

John Baldwin had already established a formidable career for himself before his secret rendezvous with Lincoln. He was the son of Briscoe Baldwin, a distinguished Staunton lawyer and civic leader who began his legal practice in Staunton in 1809. John Baldwin received his formal education at the Staunton Academy, a college preparatory school for boys housed in a three-story building on the northeast corner of New and Academy Streets. When he turned sixteen, he successfully entered the new University of Virginia in Charlottesville, graduating in July, 1839. He then studied law and was admitted to the Bar at age twenty-one. He gained a reputation as a successful and hard working lawyer and became active in local politics. He served one term in the Virginia House of Delegates from 1845-1846 with distinction, but did not seek public office outside of Staunton again until his election to the state conven-



tion in 1861. His local activities before the Civil War included several terms as a member of the Staunton City Council and two four-year terms on the University of Virginia's Board of Visitors.

Baldwin, who considered himself a strong American patriot, supported the presidential candidacy of John Bell and his newly formed Constitutional Union Party in 1860, believing that Bell provided voters the best opportunity of preserving the Union. In January, 1861, Virginia held an election for delegates to a state convention that would decide Virginia's fate vis-à-vis the newly formed Confederate States of America to its south. A majority of those elected were Unionist in sentiment, but many of these delegates made their support contingent upon no Federal attempt to use military force to coerce the seceded States in any manner. They were desirous of a national convention that would seek compromise solutions to the impending crisis, but when they heard of Lincoln's call for 75,000 troops, they voted in favor of secession on 17 April, 1861.

Virginia voters on 23 May voted overwhelmingly for secession – 132,201 to 37,451 statewide and 556-0 in Staunton.

Baldwin was elected as a representative from Augusta County, to the First Confederate Congress, and was then reelected to the Second Confederate Congress and served until the conclusion of the Civil War. Following the war, Baldwin returned home. He was elected to the Virginia House of Delegates under the new post-war United States government and was chosen as its Speaker. In this capacity, he showed exceptional ability and the rules of procedure which he evolved are still in use in Virginia, being known as "Baldwin's Rules." He died in 1873 and is buried in Thornrose Cemetery in Staunton.

Hildebrand has written a fascinating study of one of Staunton's and Virginia's leading political and civic leaders of the twentieth century. John Baldwin was very famous in Virginia in the mid-nineteenth century, but posterity has not been kind. Today he is almost completely forgotten, but Hildebrand's substantial work of scholarship here has brought him back to our attention. One can only hope that enough people will read this work so that Staunton will once again appreciate Baldwin's many contributions to the city.

Hildebrand's book, however, is far more than a biography of a leading citizen. It is also a vibrant history of early Victorian Staunton and of Virginia just before, during and right after the Civil War. The most fascinating part of the book dwells on Baldwin's little-known mission to



visit Lincoln, but we also get extensive coverage of the 1861 convention in Richmond as delegates debated the fate of their state.

Hildebrand's work is a labor of love and true scholarship. The book is meticulously researched, very well referenced, and well written. There is excellent interpretive analysis on the part of the author. Hildebrand's writing style can be a bit turgid and quite dry at times and there are far too many long quotes, but the quality of his research and the fascination the reader will have for his subject readily make up for these small deficiencies.

**Jon Kukla, *Mr. Jefferson's Women*. New York: Alfred A. Knopf, 2007. 279pp. ISBN: 978-1-4000-4324-8**

Readers of this issue are treated to a superb article by gifted scholar Jon Kukla on his recent research on Thomas Jefferson and his relationships with and his attitudes toward women. If you enjoy Kukla's piece here, you should make haste to your nearest bookstore to purchase the author's even more fascinating book, *Mr. Jefferson's Women*.

Despite his slightly racy title, Kukla's monograph is a work of deep and true scholarship. The author has done very meticulous research using documents, which in some cases have rarely if ever been studied before. The result is a very lucid and well-written book which gives one the best private as well as public portraits of Jefferson among the many books I have read on the man. Kukla devotes individual chapters to the several women with whom Jefferson had deeply physical or platonic affairs with including his wife Martha, the inevitable Sally Hemings, his first love, Rebecca Burwell, who refused his advances, Elizabeth Moore Walker, the wife of a boyhood friend who may or may not have spurned Jefferson's adulterous advances, and another married woman, Maria Cosway, whose friendship Jefferson enjoyed all too briefly in Paris.

These individual relationships are discussed in great detail, but probably the most interesting of the eight chapters lies at the end of Kukla's book. We read in detail Jefferson's post-Revolutionary correspondence with Abigail Adams who to Jefferson's dismay pushed for increased rights for women. We quickly learn that Jefferson was the antithesis of a feminist hero. Indeed, were he running for political office today, feminists would taunt him with accusations of male chauvinism. When Jefferson wrote that all men are created equal, in his heart he meant just that. A woman's place was in the home and not in the rau-





cous world of business or politics. Women are here to follow the traditional marriage vows of love, honor, and obey. We also learn that Jefferson harbored a general fear of women and was often attracted to married women—indeed, his wife Martha, who died young, was a widow when Jefferson married her.

Kukla very aptly concludes his book by noting:

Thomas Jefferson was nearly sixty years old when he was elected president of the United States. Throughout the course of his earlier life, he had mastered his personal fear of women by contriving ways to protect his autonomy against their influence. During and after the American Revolution, he carefully guarded America's transition from a patriarchal monarchy to a democratic nation based on civic republicanism and the consent of the governed from the perceived dangers of female discord. He consistently opposed any expansion of women's participation in public life, any departure from an exclusively domestic role as republican wives and mothers, any relaxation of their subordination in law, culture, and education. Jefferson's personal aversion to and fear of women in public life shaped American laws and traditions in ways that echo into the twenty-first century.

While the reader might not quibble about Kukla's portrayal of Jefferson as an ant-feminist, one might wonder if Jefferson was without considerable company in the early years of the American Republic. Kukla contrasts Jefferson's thinking with the ideas of the progressive Marquis de Condorcet, but Condorcet's ideas about women were far ahead of his time. The fact is that Jefferson's attitudes reflected those of many other men of his era, much to the disgust of Mrs. Adams. Kukla might have done a better job of placing Jefferson's feminist ideas more into the context of his times, but this is a very minor complaint about what is a very worthy book.

**Charles Culbertson, *Staunton, Virginia: Another Treasury of Historic Tales*. Staunton, Va.: Lot's Wife Publishing, 2007. 200pp. \$29.95 ISBN: 978-1-934368-04-6**

Charles Culbertson is an eminent popular local historian whose articles on Staunton's past have graced the *Staunton Daily News Leader* for many years. He published many of his articles in a very worthy book, *Staunton, Virginia: A Treasury of Historic Tales* in 2004. Three years later he presents us with a second book on the Queen City's history, *Staunton, Virginia: Another Treasury of Historic Tales*.

Culbertson's 2007 work differs from his earlier work in that he focuses much less on the Civil War era. Rather, he introduces the reader



to thirty-five vignettes on incidents and personages who had an impact on this region from the 1830s to the contemporary era.

Throughout his work one can trace an underlying theme of how the hard work and dedication of many Stauntonians in the late nineteenth and twentieth century turned a debt-ridden and rather ugly town into the efficiently managed architectural gem that it is today.

Culbertson tells us that as recently as the 1830s, Staunton was a “seedy, roughhewn village that visitors routinely described as ‘a very ugly place.’” (page 78) He quotes Staunton’s famous nineteenth-century publisher, Joseph Waddell, who remembered growing up in a Staunton that was a

decidedly a dilapidated village. Its narrow streets were excessively muddy in wet weather; some of the sidewalks were fenced in with posts and rails, to protect persons on foot from the encroachment of vehicles and cattle; the town authorities discouraged the planting of shade trees on the streets, and cut down a few which had grown up; the houses, public and private, were mean-looking; in a word, strangers always spoke of Staunton as a ‘very ugly town,’ and its own citizens had to confess that the place had no beauty to boast of.” (78)

Although there was initially no comprehensive plan to beautify the city, the work of local officials and many individuals working on their own over the years totally transformed the city. While there is no room to list all of the work to improve life in Staunton, the work of two individuals stands out in this reviewer’s mind: Samuel M. Yost, “Staunton’s Crusading Editor,” and Arista Hoge, who was responsible for the creation of Staunton’s magnificent Thornrose Cemetery.

Samuel Yost, editor of the *Valley Virginian*, harangued his readers to make monetary and food contributions to help the many poor and miserable citizens of the city during the bitter cold and snowy winter of 1877. He wrote:

Right in the heart of the town, right under the eaves of the buildings where banquets are held, and within the sound of the merry laugh and hospitable toast, are crouched the shivering victims of want, with scarcely a morsel of bread to satisfy the demands of nature.(154)

Culbertson notes that “Yost went on to shame his fellow citizens by asking how long they would last if they were able to buy only five cents worth of wood, or whether they thought they could feed eight people on ten cents worth of flour.”(155) At least one resident died from



starvation and many more suffered greatly. Yost's outcry brought a massive relief effort of food and cash that helped the needy survive the crisis and brought greater awareness of the town's wealthier citizens to care for the needy. Later in his career as mayor, publisher, and civic leader, Yost worked hard to upgrade life in his beloved city.

When overcrowding in Staunton's main burial place at Augusta Parish Church led to the creation of the Thornrose Cemetery Committee in 1849 and the purchase of twelve acres of land for a new city cemetery, it took the work of Arista Hoge, who assumed leadership of the Committee in 1890, to design a truly magnificent place for the burial of the region's dead. Following the maxim of a French philosopher who said that the respect that a society lavishes upon its dead reflects directly upon its worth as a civilization, he hired famed architect T.J. Collins to design the elegant gate, perimeter walls, a watchtower, and a graceful bridge that brought a sense of majesty to the cemetery.

Sadly, however, not all of Staunton's progress benefited the city. Culbertson recounts how the elegant downtown Virginia Hotel was demolished in 1930 and urban renewal took down some historic properties in the 1960s, but enough people spoke up to stop the destruction of other historic sections of the city.

Culbertson devotes considerable attention to other notable Stauntonians including several genuine war heroes. We also learn about some natural disasters including the time when a storm overloaded the shore of Lake Tams and sent huge flood waters cascading through the town leading to considerable loss of life and property. A tornado, several fires, and a sudden gaping pit also led to much chaos and destruction.

Culbertson's work is well researched, clearly written, and beautifully illustrated. The only problem lies in his ordering of stories. There is no attempt to organize his articles chronologically, so one may finish a story about the 1930s and suddenly find oneself reading about the 1870s in the next chapter. All this is very disconcerting. Culbertson should organize his next book in chronological order that would make it easier to read and would give the reader a greater sense of the flow of history here.

**Gordon Barlow, (ed.), *Following the Tradition: Celebrating the Artisans of the Contemporary Longrifle Association*. Texarkana TX: Scurlock Publishing Co., 2007. ISBN: 978-1-880655-21-4 \$75**

I first encountered Gordon Barlow when he presented a lecture on the French and Indian War in Virginia in January 2008 in Staunton. He



brought samples of his incredible collection of eighteenth-century weapons and artifacts that he and his wife Margie have been purchasing since the early 1960s. The most incredible display item, however, is his beautiful 2007 book, *Following the Tradition: Celebrating the Artisans of the Contemporary Longrifle Association*. I have spent many hours thumbing through this exquisite book and through it have gained a much deeper respect for the artistry of the early American frontier.

Barlow's *Following the Tradition* contains fifteen chapters describing traditional frontier art and artifacts written by Barlow and a large number of other specialists and artisans who are members of the Contemporary Longrifle Association (CLA). The chapters feature a wide range of firearms and accoutrements including Kentucky longrifles, fowlers and pistols as well as horns, tomahawks, pouches, and knives, plug bayonets, and swords. There are also chapters on pottery, paintings and sculpture. There are almost six hundred full-color photographs illustrating the beauty, artistry, and craftsmanship of early frontier artisans as well as the work contemporary artists and artisans who have maintained and built on these artistic traditions.

The CLA is a non-profit organization of collaborative members, who are collectors, makers, and students dedicated to the art of contemporary longrifles, accoutrements and related items made after the mid-twentieth century. The goal of the CLA is not only the preservation and perpetuation of the work of frontier artists and artisans, but also the further development and transformation of this artistic tradition by contemporary artists and artisans. Some of the work by modern workers follows traditional lines to the letter while others produce a far more modern looking product.

This beautiful book showcases the work of frontier period artists along side the products of modernists. Interest in this genre of art has never totally disappeared, but it has grown in recent years due to the collections of Barlow and many of his contemporaries. Barlow is himself a talented artist as one can see in three pictures of his own work.

**Alan Pell Crawford, *Twilight at Monticello: The Final Years of Thomas Jefferson*. New York: Random House, 2008. 320 pp. ISBN: 978-1-4000-6079-5.**

Thomas Jefferson was sixty-six years old when he completed his second term as the third president of the United States and returned to his beloved home at Monticello in early 1809. His many triumphs as President included the purchase of the Louisiana territory from France,



which effectively doubled the size of the United States and set the stage for the nation's immense expansion in the ensuing decades. Jefferson died on July 4<sup>th</sup>, 1826, fifty years to the day after the signing of the Declaration of Independence.

The seventeen years that spanned from the end of his presidency to his death saw Jefferson returning to the life of a major Virginia farmer, slaveholder, and family head. His one great triumph during this period was the founding of the University of Virginia, which, with the considerable assistance of James Madison and James Monroe, opened not long before his death. Jefferson's university was at his insistence a thoroughly secular institution with a beautiful neo-classical library rather than a chapel at the heart of its campus.

Historian Alan Pell Crawford details the great joy that Jefferson experienced as he watched the building and then opening of the university from his mountaintop home. Sadly, Crawford's Jefferson had very little else to encourage him during his twilight years. He lived to witness the birth of several grandchildren and great-grandchildren, which brought happiness, but he also had to endure the death of loved ones and violent family feuds that included the near-fatal stabbing of his beloved grandson, Jeff Randolph, by Randolph's violent and alcoholic brother-in-law, Charles Lewis Bankhead.

Jefferson's finances were a constant worry. Although he was a major landowner with a fairly good income most of the time, Jefferson's expensive tastes for books, liquor, and gifts for his loved ones combined with frequent crop failures and chronic mismanagement of his plantations brought on mountainous debts that brought near ruin to his descendants after his death. Jefferson also had the dubious judgment to co-sign loans of supposed friends who quickly went bankrupt and left Jefferson holding the bag.

Crawford skillfully reconstructs daily life at Monticello that includes a colorful cast of famous and interesting visitors. James Madison and neighbor James Monroe were frequent guests who were always welcome, but in 1815 Jefferson was stunned when Andrew Jackson, by then a national hero due to his amazing victory over the British at New Orleans, suddenly appeared unannounced at his door. Jefferson detested Jackson, but gave him a gracious and warm reception nonetheless. Jefferson was in far better spirits despite his very feeble physical condition in 1824 when a very rotund Lafayette came to Monticello to call on his old revolutionary companion.



Crawford deals delicately with the issue of Sally Hemings, the mulatto slave who is said by some to have been Jefferson's mistress. Crawford studies Hemings' pregnancy cycles and determines that the start of her pregnancies just coincided with Jefferson's visits to Monticello during the years when he was traveling and working away from his home. He also notes that Jefferson later added a staircase that led from the slave quarters (where Sally's room was located) directly into the library that adjoined his room that would have made it possible for his alleged mistress to slip in and out of his room unnoticed. Crawford, citing recent DNA research of the Thomas Jefferson Foundation, concludes that Jefferson most likely fathered at least one son by Hemings and perhaps as many as all six of Hemings' children. Crawford goes on to tell us that other white visitors and neighbors often preyed on Jefferson's slave women without much if any objection by Jefferson.

Crawford tells us that Jefferson was himself morally opposed to slavery. He recounts Jefferson's support for measures presented to the Virginia legislature to bring an eventual end to the institution in the state and his disappointment when they failed badly. Yet Jefferson held on to his slaves, reacting to a Virginia law that forced all freed slaves to leave the Commonwealth within a year. Jefferson worried about their fate, but he also realized that his plantations would experience even greater financial hardships. Jefferson later called for the expansion of slavery into the western territories, claiming somehow that the institution would somehow dilute itself and then fade away.

Crawford's *Twilight at Monticello* is a masterfully researched and very well written study of Jefferson's declining years. It is a melancholy work, which very well reflects the increasingly somber life of the "boy-wonder" of the revolutionary era who perhaps lived too long and saw the sad dissolution of his family and finances. This book is a very welcome addition to the many fine studies of Jefferson's life and certainly the most detailed look at his later life to appear in many years.

**Stephen Budiansky, *The Bloody Shirt: Terror after Appomattox*. New York: Viking Press, 2008. ISBN: 978-0-670-01840-6 \$27.95**

Invading and occupying another country is never an easy task. The Allied occupation of Japan (1945-1952) was both peaceful and successful because both the United States and Japan readily accepted the result of the war and saw distinct advantages in working together. Indeed, many





older Japanese have told me that they saw the Americans as “Liberators,” freeing them from the harsh rule of their own military government. The American invasion and occupation of Iraq has been far less successful because so many Iraqis resisted it.

The Federal occupation of the former Confederacy, which endured from the end of the Civil War in 1865 to 1876, saw an intense and often bloody struggle for power between two countervailing forces: Federal and civilian forces working with Black freedmen against a hostile defeated white population that gave tacit and even open support to the murderous terrorism of the Ku Klux Klan and other white supremacists. It was an intense battle fought along a line stretching from Virginia to Mississippi that in many respects was a continuation of the Civil War long after Appomattox. The Confederate armies disappeared, but they were replaced by disparate Southern guerilla armies that ultimately wore down Federal authorities and forced their inglorious retreat. The Confederacy was never revived after Lee’s surrender, but the vicious white supremacist “Jim Crow” society preferred by many Southerners remained in force throughout the South, including this relatively progressive corner of Virginia, through the 1960s.

“In all except the actual results of the physical struggle, I consider the South to have been the real victors in the war,” Albion Tourgée, a North Carolina state judge, said caustically in 1879. “The way in which they have neutralized the results of the war and reversed the verdict of Appomattox is the grandest thing in American politics.” By the end of Reconstruction one could wonder who had really won the Civil War.

Stephen Budiansky, a journalist, military historian, and author of several other books on a variety of historical topics, has composed a fascinating study of Reconstruction that sheds light on the violence, racism, division, and heroism that dominated the era. Federal forces were sworn to uphold the Fourteenth Amendment to the Constitution that includes the Due Process and Equal Protection Clauses. Budiansky bases his study around five truly heroic figures who tried but ultimately failed to create to realize the supposed goals of the Civil War—the creation of a biracial society where people of all racial and ethnic backgrounds would share political power and live in peace and harmony.

Budiansky’s subjects include: brilliant former Confederate general James Longstreet who joined the Republican Party and urged fellow Southerners to abide by the results of the Civil War; Prince R. Rivers, a literate



former slave who was a South Carolina legislator and a judge in a largely black town, Hamburg; Adelbert Ames, a Union war hero, served as governor of Mississippi until his impeachment in 1875 by a hostile legislature; Albert T. Morgan, a Union veteran who earned particular scorn by marrying a black woman and who came to Mississippi to seek his fortune and stayed to serve as a state legislator and sheriff of Yazoo County; and Lewis Merrill, an Army major, sent to the South to put down violence by the KKK and the white rifle clubs engaged in a spreading insurgency.

All five of these men failed in their missions. Longstreet became an object of ridicule throughout the South and was scorned even in death for his willingness to work with the “enemy.” The others obtained positions of authority—a governor-ship, a sheriff, a state legislator, an army commandant—but none was able to survive because the local population was against them and the Federal government proved less and less able and willing to send extra help such as troop reinforcements. On the few occasions that white guerillas or KKK members were arrested for one or more of their crimes, they were let off by sympathetic judges or juries. Eventually it became clear that without a massive and permanent army of occupation, the white Southerners would eventually get their way. The Republican politicians who enjoyed power during the early part of Reconstruction were either killed, scared away, impeached, or defeated for reelection when local whites got back their right to vote and used violence or threats of violence to scare away Republican voters, many of them black, from the ballot box. What is astonishing is that so many so-called “upstanding citizens” of the South including leading doctors, lawyers, and law officials aided and abetted insurgents who burned black schoolhouses, incited riots, assassinated public officials, and beat and whipped blacks who tried to take part in civil society.

Budiansky draws heavily on the letters and dispatches of his main figures, as well as newspaper excerpts directly inserted into the text. The frequency of these articles creates a sense of immediacy that draws the reader more deeply into the book, but after a while I found them too often interfering with the flow of the text. But the inclusion of these newspaper articles and editorials gives the book a higher sense of authenticity than one might expect.

The author provides some fascinating verbal descriptions of war-ravaged Virginia. Richmond we learned had cannonballs littering the streets and over half the population subsisting on rations furnished by Federal



authorities. The stores were full of merchandise, flour and meat and prices had settled down, but no one had money to buy these products.

Budiansky's *The Bloody Shirt* is a brilliant and well-researched study of Reconstruction that should be read by every student of the era. Reading this book provides the reader with a perfect explanation of why and how Jim Crow won out in Virginia and elsewhere throughout the South for a full century after the Civil War.

**Drew Gilpin Faust, *This Republic of Suffering: Death and the American Civil War*. New York: Alfred A. Knopf, 2008. \$27.95 ISBN: 978-0-375-40404-7**

One of the saddest places in Staunton is the National Cemetery on Richmond Road. I go there on occasion and walk by the rows and rows of graves of Civil War soldiers. I am particularly struck by the graves that tell only that an unknown soldier from Ohio or Massachusetts lies buried there. I wonder how their families felt, waiting for their sons, fathers, or husbands to return or wondering what became of them. I wonder if their ancient pictures sit in some album somewhere today with a notation, "missing in action" or "fate unknown." The odds are that nobody will ever know the true fate of these now long dead men.

The Civil War was the most traumatic event in this nation's history. In addition to countless civilian deaths, the war led to the deaths of 620,000 men in uniform, North and South. Perhaps twenty percent of the white men of fighting age in the South died. That number equaled two percent of the entire population of the whole United States, about the same number who died in every other war involving the United States from the Revolution to the Korean War. It would be the contemporary equivalent of losing six million dead.

Harvard University scholar and president, Drew Gilpin Faust, has written an astonishingly detailed study of the impact that these many deaths had on the United States during and after the war. Most people thought at first that the conflict would be brief, settled quickly in one or two decisive battles. Like the Bush White House in 2003, the generals and politicians had no conception of the endless waves of deaths that were to follow in the months and years to come. "The war created its legions of dead, a constituency of the slain and their mourners, who would change the very definition of the nation and its obligations." Sadly, when death came, the nation had to learn to cope, but it wasn't easy.



Men thrown by the hundreds into burial trenches; soldiers stripped of every identifying object before being abandoned on the field; bloated corpses hurried into hastily dug graves; nameless victims of dysentery or typhoid interred beside military hospitals; men blown to pieces by artillery shells; bodies hidden by woods or ravines, left to the depredations of hogs or wolves or time.

Soldiers had to be buried or shipped home, but as was the case near Staunton, countless men on both sides died, leaving no form of identification. Faust reminds us that

Managing Civil War death was made all the more difficult by the mystery that so often surrounded it. Nearly half of the dead remained unknown, the fact of their deaths supposed, but undocumented, the circumstances of their passage from life entirely unrecorded. Such losses remained in some sense unreal and thus 'unrealized,' as the bereaved usually described them, recognizing the inhibition of mourning that such uncertainty imposed.... This crisis of knowledge and understanding extended well beyond the problem of the unidentified dead.... Individuals found themselves in a new and different moral universe, one in which unimaginable destruction had become daily experience. Where did God belong in such a world? How could such a benevolent deity countenance such cruelty and such suffering? Doubt threatened to overpower faith – faith in the Christian narrative of a compassionate divinity and hope of life beyond the grave, faith in the intelligibility and purpose of life on Earth. Language seemed powerless to explain, humans unable to comprehend what their deaths – and thus their lives – could mean.

Religious values for many Americans after the war, but during the conflict, the deaths of so many young men also had a traumatic effect on the spiritual values of a then largely Protestant and often evangelical America. Heaven was a very real abode where the dead went in their real bodies following death. As Faust eloquently notes, it is a system that defines "how to meet the devil's temptations of unbelief, despair, impatience and worldly attachment; how to pattern one's dying on that of Christ; how to pray." By the 1860s, she continues, "many elements of the Good Death had been to a considerable degree separated from their explicitly theological roots and had become as much a part of respectable middle-class behavior and expectation in North and South as they were the product or emblem of any particular religious affiliation."

Faust tells us that survivors were deeply concerned whether their deceased loved one not only had a worthy life, but also died "the good death." There was a virtual checklist that the dying and the survivors had to satisfy if they were to meet some day in heaven. The dying man, in



order to avoid temptations from Satan himself, had to express an awareness of his impending fate, state his belief in God and his salvation in heaven, and his devotion to loved ones back home. Faust found countless letters written by surviving soldiers to a deceased's family telling them how their loved one died, what he said before death, and what was the expression on his face. In the case of sudden death, a letter writer would describe the deceased's last evening or last conversation as evidence of his faith and love for his kin. Last words were very important as evidence of a "good death." Faust investigates almost every aspect of death in this lengthy and fascinating study. She describes the logistical difficulties that came with identifying and burying so many bodies, the initial attempts at embalming, the development of federal cemeteries for Union dead and private graveyards for Confederate dead, and the gradual emergence of a federal effort to register and locate the deceased. Faust allows us to hear the plaintive voices of hundreds of soldiers, widows, politicians, journalists, and others through their diaries, letters, speeches as well as many contemporary news articles. Faust also describes how a massive federal bureaucracy grew to not only locate the dead, but also to pay pensions to their widows. This effort involved a major expansion of the federal government during and long after the war.

This book perhaps more than any other account of the war that I have read shows the pain and suffering that the war brought to virtually every family, both North and South. This is a magnificent work of scholarship that should be read by everybody interested in this most violent time in our history.

**Dorothy A. Boyd-Bragg, Ed., *Portals to Shenandoah Valley Folkways*. Staunton, Va.: Published by Lot's Wife Publishing on behalf of the Augusta County and the Harrisonburg-Rockingham Historical Societies, 2005. ISBN: 0975274546 137 pp. Introduction by John L. Heatwole**

Modern times and modern communication have brought an acute homogenization of American culture. Citizens of northern Maine and southern California watch the same television programs, shop at identical Wal-Marts, and eat at the same chain restaurants. Regional diversity and local idiosyncrasies are rapidly disappearing. When I was a young boy living in Greenwich Village in Manhattan in the early 1950s, I would love to visit my grandmother in Brooklyn so I could hear the



funny way people talked over there, but a recent return to that part of Flatbush brought no sign of the famed Brooklyn accent. Our old Brooklyn landlady who in the early 1970s told us that the “earl man” (“oil man”) was coming to repair our furnace is long dead. Sadly, a bit of Brooklyn heritage died with her.

When I moved to Staunton with my family in 1983, I thought that we were moving to a region distinctly different from our former home in Boston. And while there are certainly differences between Boston and Staunton, certainly in the realm of politics, we found much of America’s homogenized culture had gotten here before us. Thus, it was a genuine and exciting pleasure to read a small volume, *Portals to Shenandoah Valley Folkways*, published recently as a joint venture by the Augusta County and Rockingham County-Harrisonburg Historical Societies. Meticulously edited by historian Dorothy A. Boyd-Bragg and introduced by now deceased Valley folklorist John Heatwole, *Portals* contains four essays by distinguished local writers on traditional folk culture of the central Shenandoah Valley region.

Heatwole writes about various aspects of local folklore including the rituals involved in gathering wild foods such as huckleberries and other wild fruits. He also writes in depth about the “belief in spiritual influences” that figured prominently in many vignettes of everyday life in the nineteenth and early twentieth centuries. If you thought that belief in witchcraft died out in Salem nearly four centuries ago, you are very mistaken. As Heatwole tells us, “The tradition of witches riding neighbors at night is common in western Virginia, as is the hexing of cattle and livestock.” Heatwole’s detailed account of witches and curses is fascinating and great fun to read.

Nancy T. Sorrells presents a meticulously researched article on the now abandoned and forgotten cattle drives and grazing in the Valley and surrounding uplands. Sorrells notes that the key to Valley farming was “summer pasturing of the animals far away from the grain fields [in the Valley] and then the fall cattle drives to market or back to the farms.” One often thinks of cattle drives as something confined to Texas and Kansas, so it is illuminating to hear about drives of hundreds of cattle through Harrisonburg, kicking up storms of dusts and chasing residents off their porches into the safer confines of their homes.

Scott Hamilton Suter’s essay “The Real Thing: Tradition and Technology in the Shenandoah Valley” looks back on life here a century or





more ago when the region was replete with hundreds of small artisan shops and factories that manufactured a wide range of goods for local consumption. Cabinets, pottery, baskets, tools, and a other goods made the Valley a major manufacturing hub and many small towns flourished as centers of production and commerce. Many locally produced goods, especially items like furniture and ceramics, had a distinct local or regional flavor. Today we buy tools and other goods made in China at our local Lowe's and mourn the passing of the local manufacturer or retailer.

Food historian Danielle Torisky has researched books, manuals, diaries, letters, and other documents to discover what and how locals ate and how much they knew about nutrition in this region before and during the Civil War. What is amazing is how much contemporaries knew about nutrition and treatment of common ailments. For example, the treatment for constipation has changed very little in the past 150 years. Torisky also tells how locals made do with shortages during the Civil War and provides a number of worthy recipes from back then.

*Portals to Shenandoah Valley Folkways* is a clearly written, well-researched, genuinely scholarly, and very lively presentation of pre-modern life in the Shenandoah Valley. It is a very valuable contribution to the study of history in this region. The editor and contributors are to be congratulated on their fine highly professional work.

**Joseph Wheelan, *Mr. Adams's Last Crusade: John Quincy Adams's Extraordinary Post-Presidential Life in Congress*. New York: Public Affairs, 2008. ISBN: 9780786720125**

Traditionally Americans have ranked their former Presidents by what they accomplished in office, paying scant attention to what they did after they left the White House. More recently, however, our former leaders are judged by what they have contributed to society after vacating the Oval Office. Jimmy Carter, by many accounts an insignificant force while President, has achieved worldwide acclaim for his work in support of human rights and has been rewarded with the Nobel Peace Prize. George H. Bush and Bill Clinton have worked together to promote worthy causes. But without doubt the man with the most significant post-Presidency was John Quincy Adams (1767-1848).

Adams had a very distinguished career before his ascension to the White House in 1825. He had served as a senator from Massachusetts, an ambassador to Russia, and as Secretary of State under James Monroe.



Sadly, his own Presidency (1825-1829) was not a great success. His “Liberty with Power” agenda included plans for massive internal improvements, a national university, a separate Department of Interior, and even an astronomical observatory in Washington. Opposition Democrats, who controlled Congress after the 1826 elections and who charged that Adams had stolen the election from Andrew Jackson with his “corrupt bargain” with Senator Henry Clay, who became Adams’s Secretary of State, voted against every one of the President’s programs. When Jackson and the Democrats crushed Adams in the 1828 election, Adams returned home to Quincy, Massachusetts at age sixty-one in a dull and depressed mood.

To his surprise, however, his constituents elected him to the House of Representatives in 1830. He expected to serve only one term, but instead he spent the last seventeen years of his life in the House, rapidly becoming one of the most influential and controversial members and the foremost conscience of Congress. His greatest work came in the area of human rights and his growing hatred of slavery.

The abolitionist movement was taking its first feeble breaths when Adams entered the House. It was clearly a minority view; the country was politically equally divided between free and slave states and most Northern politicians shied away from the controversial issue that would so dangerously divide the nation. Adams himself had hated slavery since his childhood. Author Joseph Wheelan writes:

Although the bitter debate over Missouri statehood did not involve Adams directly, it impelled him, watching with keen interest from the sidelines, to clarify his convictions about slavery and for the first time to recognize the threat that it posed to the Union. In his diary, he unequivocally declared that slavery was “the great and foul stain upon the `North American Union” and that it should be abolished. From 1820 forward, Adams never once departed from his belief that slavery was a great evil that degraded both slaves and owners. For the rest of his life, his sole questions about slavery concerned whether emancipation was possible, whether it was “practicable,” and if carried out, whether it would destroy the United States. How could it be accomplished with the least loss of life?

At the start of his return to Congress, Adams felt that the anti-slavery cause was hopeless, and for reasons both constitutional and political made no real effort to support the abolitionists. What really roused his ire, however, were Southern attempts to limit debate. Abolitionists adopted their constitutionally-granted right to petition Congress to support anti-slavery legislation. The petitions arrived by the hundreds



and were often introduced to Congress by Adams himself. Enraged Southern legislators including Virginia Congressman Henry Wise succeeded in imposing a “Gag Rule” that all slavery petitions be tabled without debate — and later enacted a ruling that slavery petitions could not even be introduced to Congress.

A horrified Adams opposed these bans and made their repeal central to his political career. His opposition gradually moved him into the abolitionist camp and by the early 1840s he became the leading politician supporting the abolitionist cause. His hard work paid off on 3 December 1844 when Congress voted to restore the absolute right of petition. Wheelan writes, “Not only was it a personal victory for Adams, it was the antislavery movement’s first consequential victory over the American slave power — and a turning point in the nation’s history.”

Adams extended his human rights concerns to American Indians, whom he felt were being forever cheated and victimized by both federal and state authorities. He robustly defended the right of women to petition Congress and he brilliantly and successfully defended the slave mutineers on the Spanish/Cuba ship *Amistad* before the Supreme Court. He strenuously opposed the annexation of Texas as a slave state and was only one of a handful of Representatives who opposed the Mexican War, noting caustically that Mexico had every right to defend itself.

When Adams died in early 1848 from his third stroke in as many years in the House, even his most bitter foes expressed their deep respect for him. Adams had redeemed his failed Presidency and was the most admired statesman in the Republic.

Author Joseph Wheelan, a former Associated Press reporter and editor who has written several other books on early nineteenth century American history, has prepared an exceptionally well-written and researched piece that gives a very balanced view of Adams and the forces who supported and opposed him. Wheelan has made excellent use of available sources to prepare a book that will appeal to both the generalist and specialist. Above all, Wheelan demonstrates Adams’s principal calling —that his duty was to defend human liberty and the right to be free.

Virginia readers of this book will be interested to hear that Adams once read a pamphlet in Congress that compared New York’s rise to wealth and prominence with Virginia’s corresponding decline. The reason, Adams suggested, was that New York’s success as a financial and industrial center was due to its institutions of liberty while Virginia was being dragged down by slavery.



**Orville Vernon Burton, *The Age of Lincoln*. New York: Hill and Wang, 2007. ISBN: 978-0-8090-9513-1 \$27**

The nineteenth century witnessed the transformation of the United States from a small agricultural nation hugging the eastern seaboard into a powerful continental industrial power. Covering the history of this era is a difficult task, but University of Illinois Professor Orville Vernon Burton has successfully accomplished this mission in his 2007 masterpiece, *The Age of Lincoln*, which provides a comprehensive history of the United States from the age of Jackson to the start of the Progressive era.

Burton begins his work looking at a nation that by the presidency of Andrew Jackson was already growing into a prosperous and successful economic and political giant. Both North and South shared a key sense of the nation's destiny, but they were greatly divided when it came to defining what kind of nation the United States should become, a slave-based agricultural nation or an expanding industrial giant where slavery was an anathema. Efforts to paper over these differences succeeded for a while, but as early as the 1840s more radical elements in both North and South began to undermine the work of the great compromisers like Clay and Webster. Then the victorious rise of a radical new anti-slavery party gave rise to a national conflict that ended the nation's divide and, as Lincoln noted in his Gettysburg Address, a "new birth of freedom."

The Civil War transformed the United States in a myriad of ways. The federal government, fairly small and limited in its scope of operations before the war, grew immensely in size and power and began to play a critical role in the daily lives of its citizenry. Other transformations included a great surge in railroad construction, a communications revolution that united the world through the telegraph and then telephone, homestead laws, land-grant colleges, and the growth of a new commercial order.

Burton offers a broad critical assessment of Abraham Lincoln and his presidency. Born a southerner with all the mannerisms of a southern gentleman, Lincoln vigorously conducted a victorious battle plan that saved the Union and redefined freedom as a personal right that was to be extended to all Americans. The decades after the Civil War saw repeated attempts by some Americans — Southern whites who fought against Reconstruction and Northern business tycoons who sought to curtail the freedom of labor— but the freedoms granted by the Thirteenth, Fourteenth, and Fifteenth Amendments ultimately prevailed.

Burton places African-Americans at the center of his narrative. He



demonstrates how contemporary African Americans, both free and slave, played a very active role before and during the war to gain both freedom and political rights and how after the war they fought gallantly against great odds to keep these elusive gains.

Burton's *The Age of Lincoln* is a brilliantly researched and written synthesis of the most tumultuous and defining era in American history. Filled with fresh insights and clear well-developed analysis, this work would be ideal for any class on nineteenth century American history or for any student of history who wishes to better understand this period. It is a book that belongs in the library of the Augusta County Historical Society and every other American history book collection.

**Cathryn J. Prince, *Burn the Town and Sack the Banks: Confederates Attack Vermont*. New York: Carol & Graf Publishers, 2006. 279 pp, ISBN: 10: 0-7867-1751-3.**

October 19, 1864, was an active day of Civil War combat for Vermont troops. Their regiments, with a great many volunteers from the small city of St. Albans, were bitterly fighting a decisive battle at Cedar Creek. Their forces, led by legendary general Philip Sheridan, had been surprised by Confederate forces under General Jubal Early, whose task was to defend the Shenandoah Valley at all cost. The Confederates had gained the early advantage, but Sheridan rallied his troops and eventually overwhelmed Early's retreating forces. Early's defeat left the Valley open to Union plunder.

That same day unbeknownst to the Vermonters fighting in Virginia, their city, St. Albans, was under attack by a group of some thirty Confederate soldiers who had crossed the nearby border from Canada. They forced many residents at gunpoint into the town square, robbed over \$220,000 from three banks, killed a resisting Vermonter, tried but failed to set the whole town on fire (a constant rain doused the fires), and stole enough horses to make it back safely to Quebec.

Author Cathryn Prince writes:

Though working quickly, the Rebel raiders made certain nonetheless to sow seeds of terror in the minds of the citizens. They proclaimed that hundreds, if not thousands, of like-minded villains waited at the border, ready to swoop into town.... Some raiders said they were part of General Jubal Early's army, whose sole mission in St. Albans was solely to avenge Shaman's march through the South and Sheridan's destruction of the Shenandoah. (145)



While robbing one of the banks, a Confederate soldier told the teller: “Not a word. We’re Confederate soldiers detailed from General Early’s army to come north, and to rob and plunder as your soldiers are doing in the Shenandoah Valley.” (143)

Attacking Vermont was a desperate move by the dying Confederacy to get badly needed funds, to force the Union to divert troops out of Virginia, and to create enough hysteria in the North just before the 1864 presidential election to bring about Lincoln’s defeat and a negotiated settlement of the war. There were hundreds if not thousands of Confederate soldiers, many of them escaped prisoners of war, and agents in Canada and the Confederate government hoped very much to set up a diversionary front along the northern border and to send raiders to start massive fires in major northern cities. Other raids failed to materialize and the agents sent to torch the cities proved to be most inept, but the St. Alban’s raid sent shockwaves across the North.

Both Britain and its Canadian colonies remained officially neutral throughout the Civil War, although there was a lot of sympathy for the Confederacy among British and Canadians. There was constant fear of an American invasion of Canada and thousands of British troops stood guard at the border. Montreal was known as a hot bed of Confederate activity — even John Wilkes Booth did a lot of his plotting there.

When an American posse from Vermont illegally crossed the border into Quebec and captured some of the raiders, British troops intervened and took the Confederates into custody. Most of the raiders were held in rather luxurious quarters in Montreal pending an extradition hearing where U.S. attorneys argued that the Confederates were common criminals who should stand trial in Vermont, but the Montreal court ruled that the raiders were legitimate soldiers carrying out authorized acts of war and therefore should be released.

Author Cathryn J. Price, a former correspondent for the *Christian Science Monitor*, has written a rather chatty, but well-researched and interesting study of the St. Alban’s raid and the northern front of the Civil War. She opens her book with a forty-page chapter about Vermont troops fighting and dying (Vermont lost a higher proportion of its troops than any other state in the Union during the Civil War—as it has again in the current Iraq war) at Cedar Creek under Sheridan’s command in the Shenandoah Valley. Her coverage of this tragic but decisive battle is exceptional—she even follows the troops as they then race up the Valley as





far as Waynesboro. Price makes use of a very wide range of primary sources—newspapers, letters, and other contemporary documents—that adds considerable depth to her writing. Students of the Civil War in the Valley will find this book to be a useful resource in their personal libraries.

**Rody Johnson, *In Their Footsteps: Explorers, Warriors, Capitalists and Politicians of West Virginia*. Charleston W.Va.: Quarrier Press, 2005.**

Writer Rody Johnson's *In Their Footsteps* is a history of West Virginia, but because of the deep historical links between the western part of Virginia and what is now West Virginia, this volume is in fact a solid history of both regions. Johnson structures his history around an engaging group of people so that by telling their life stories, he also frames a portrait of the history of this region.

Johnson introduces his book by telling the reader:

They were explorers, warriors, capitalists, and politicians, representing two hundred years of American history. Between them they pioneered a new land, fought Indians, served in the Revolutionary War, participated in the Lewis and Clark Expedition, dealt with John Brown, fought in the Civil War, helped develop a capitalist economy, and were governor of a state. Their roots, like mine, lay in western Virginia. After sixty years of living elsewhere, I returned and wanted to know about the country, the history and my ancestors.

The author starts his narrative with an in-depth account of the founding of Staunton by John Lewis and his sons. We learn how and why John Lewis came to the Shenandoah Valley, where and how he lived, and how his sons and their descendents played a major role in the development of the region. The second chapter introduces us to Sergeant Patrick Gass who accompanied Lewis and Clark as they explored the newly acquired Louisiana territory all the way to the Pacific. Johnson provides some vivid descriptions of their journey.

We next meet Captain John Avis (1818-1883) of Charles Town who served as an officer under Stonewall Jackson during the Civil War and as provost marshal in charge of defending Staunton. Avis had only fifty men to defend the small but vitally important city. Johnson quotes a Staunton resident's diary describing the dire situation in the latter part of the war:

Soldiers are constantly going from house to house applying for something to eat.... We heard heavy cannonading, indicating a conflict near Richmond.... Yesterday a poor woman who lives in town heard that her husband had been killed. Her wailings, which kept up for an hour or two,



were most distressing.... All the wounded men who can walk have been creeping up from Winchester, trying to get to their homes. Staunton is full of them. Many look very forlorn, hands and arms hurt, faces bound up, badly clad, barefoot and dirty.... Several wagons went through town today on their way to Kanawha for salt.... We have more to fear from the scarcity of sustenance and clothing than from the Federal armies.... I learned that the sentinels had last night halted citizens on the streets, and ordered them not to pass unless they were going to their homes... The Provost Marshal [Captain Avis] was present at one of the street corners, and required the sentinel to use [a] gun when necessary to arrest passers-by....It was almost appalling to see the rows of graves recently dug waiting with gaping mouths for the still-living victims....flour has gone up to \$25 a barrel, bacon \$1 a pound, indicating "either a time of famine or an utterly ruinous depreciation of the currency."

The main point of the chapter, however, is that Captain Avis, a direct ancestor of the author, served as John Brown's jailer in Charles Town as Brown was tried and then awaited his execution. Avis came to respect Brown even though he disagreed with his motives and went as far as to allow Brown and his wife dine with his family the night before Brown's execution.

Chapter four looks at the lives of John D. and C.C. Lewis, "capitalists" and entrepreneurs who played a major part in the development of the region. The fifth and final chapter studies the life of West Virginia Governor George W. Atkinson (1845-1925). This section looks closely at the political tensions in the state between sympathizers of North and South in the region during and after the Civil War. It is a fascinating political history of West Virginia.

Johnson's book is well written and well researched—and quite often very entertaining. It seems that Johnson himself is related to many of the historical characters in this text. Quotations from letters and diaries add a sense of reality to the narrative. This is not a sober scholarly text by any means, but it is still good history, written in a simple, but lively and often witty manner.

**Owen Early Harner and Wayne Edward Garber, *The History of New Hope Virginia: The Past Two Hundred Years*. Staunton, Va.: Lot's Wife Publishing, 2006. ISBN: 978-0-9752745-9-0. \$19.95**

A few years ago when Wayne Edward Garber was writing a family history, he searched in vain for histories of New Hope Virginia to assist his work. He approached New Hope native and local historian Owen Early Harner for help. Harner had a comprehensive collection of articles and photographs of New Hope covering five decades, but be-



moaned the fact that there was no published town history. Realizing the need to fill this gap, they decided to write a town history themselves. The task was not easy because they found very little information concerning New Hope's origin, buildings, or even residents. This lack of documentation may stem from the fact that New Hope has always been a small farming community and the "residents for the most part were not people in positions of power that appeared in the history books or left personal papers."

The settled roots of New Hope are among the oldest in the Shenandoah Valley. The family of James Kerr settled in the New Hope area in 1732, the same year that John Lewis settled in what is now Staunton. The Kerr family built a log cabin some time during the 1730s. The Kerr homeplace still stands today, now sheathed in clapboard two miles west of the village of New Hope. The village itself dates from 1804 when James M. Stout built a brick general merchandise store which in due course led to the construction nearby of other residential and commercial properties including a tavern, a post office. In 1829, a town hall in the 1840s, mills and a school.

New Hope's growth as a farming and commercial community received a jolt in 1864 when a collision of Union and Confederate forces brought the Civil War to the town at the Battle of Piedmont. U.S. Army forces led by General David Hunter decisively defeated a smaller Confederate force led by Confederate General "Grumble" Jones, whose death during the battle gave the Union Army a strong advantage. The defeat was a disaster for the Confederacy—one thousand of its soldiers were taken prisoner after the battle and the way was then clear for Union forces to take Staunton.

The authors note an amusing incident that occurred after the battle. Union troops came to the historic Belmont Plantation-Beard House and one soldier, eager to get to the cellar where he was sure food was stored, sawed a hole through the floor and jumped down into the cellar, landing squarely in a barrel of soft soap.

Authors Harner and Garber have not produced a linear narrative of the town's history from its founding to the present. Instead, they have developed chapters around specific topics such as historical houses, dairy farming, area organizations, and the like. Each of these sections is superbly researched and the book contains dozens of photographs for the past century and a half. There is a detailed account of the Battle of



Piedmont accompanied by copies of letters that give a comprehensive contemporary view of the fighting. The fact that the book is divided topically and the lack of a clear narrative throughout, however, can make for some disjointed reading.

The residents of New Hope should be proud of this excellent history of their town. Lot's Wife Publishing, which produced this 2006 book, should also be commended for a job well done.

## Reviews in Brief

By Daniel Métraux

**Raymond C. Robertson, *More Tales from the Trenches*. Staunton: Lot's Wife Publishing, 2007. 97p. ISBN: 978-1-934368-05-3 \$10.95**

Raymond C. Robertson is by his own reckoning the fourth longest serving active Commonwealth's Attorney in Virginia. A 1968 graduate of the University of Virginia School of Law, Robertson started as an assistant to Harrison May in Augusta County in 1971 and achieved election to his current post in 1973. An aspiring writer as well as a leader of the local Democratic Party, Robertson several years ago composed his first book, *Tips and Tales: A Peek at the Criminal Law*. The first half of that book serves as a primer on criminal law for the layman. The second half consists of a series of short vignettes of real cases tried by the author that he calls, "Tales from the Trenches." This volume is a sequel to that second section.

"More Tales" consists of thirty-two very short vignettes cramped into ninety-seven pages. Having read through this entertaining work, the reader becomes familiar with the workings of the criminal court system in Staunton and with many of the lawyers, judges, and prosecutors working the system. There are serious cases such as "The Pigeon Drop" where an alert bank teller and policeman saved an innocent lady from being robbed of \$3,000 by a sly con artist. Another chapter deals with the close personal relationships between prosecutors and attorneys who also compete fiercely in the courtroom. There are moments of sadness, levity, and even intense drama and leading jurists are memorialized with considerable fondness.

Robertson is a skilled writer who might want a second career as a newspaper columnist. He combines wit with interesting history while



giving the interested reader a serious though somewhat lighthearted view of Staunton's judicial system.

**Laton McCartney, *The Teapot Dome Scandal: How Big Oil Bought the Harding White House and Tried to Steal the Country*. New York: Random House, 2008. 351 p. ISBN: 978-4000-6316-1**

The Teapot Dome oil reserve scandal that took place during the administration of President Warren G. Harding (1921-1923) ranks as one of the most serious abuses of power in American history. A carefully conceived scheme formulated by several major American oil magnates including Jake Harmon led to their selection of an obscure but handsome Ohio Senator, Harding, as their candidate for President. They financed Harding's easy victory and then placed two of their own candidates in Harding's cabinet as Secretary of the Interior and Attorney General. At a time when the price of oil was rising due to huge increases in demand, the oilmen were able to secure vast oil reserves that had been set aside for use by the U.S. Navy in times of national emergency. The oilmen, who made great profits here, generously paid off government officials and journalists. Harding remained oblivious to these dealings although the scandal was beginning to unwind at the time of his sudden death in office in 1923.

Author historian Laton McCartney provides a lucid very detailed account that reads like a well-written suspense thriller. He provides complete coverage of the Teapot Dome scandal, but only casually mentions some of the other juicy rip-offs by Harding's gang of thieves. We are told, for example, that Colonel Charles R. Forbes, put in charge of the Veteran's Bureau, became an instant millionaire through kickbacks and the illicit sale of government property. Attorney General Harry Daugherty made a fortune selling permits to bootleggers to sell liquor for medicinal purposes. We never hear what happened to Forbes or to Daugherty's kickback scheme.

**Kenneth D. Ackerman, *Boss Tweed: The Rise and Fall of the Corrupt Pol who Conceived the Soul of Modern New York*. New York: Carroll & Graf, 2005. 437 p ISBN: 0-7867-1686-x**

Having just read historian Kenneth Ackerman's superb biography of murdered President James A. Garfield, I was excited to see that he had written another study of the Gilded Age. There is no greater symbol of the corruption and greed of this era right after the Civil War than



William “Boss” Tweed and his cohorts. During the late 1860s and early 1870s, State Senator Tweed and his Tammany Hall gang gained a stranglehold on New York City politics. Through kickbacks and outright theft, they stole up to \$200 million (\$4 million today), but also began a series of important building projects such as the Brooklyn Bridge and the Metropolitan Museum of Art. Tweed and his gang lay the groundwork for the transformation of New York into a modern metropolis, financing their programs through the sale of city bonds and notes. It took decades to pay off the debts that Tweed, who died in jail, and his gang members, many of whom fled the country with fortunes in hand, incurred during their villainous days in power.

Ackerman’s *Boss Tweed* is a fascinating and very well researched study of the man and the period.

**Joseph E. Persico, *Franklin & Lucy: President Roosevelt, Mrs. Rutherford, and the Other Remarkable Women in His Life*. New York Random House, 2008. 443 p. ISBN: 978-1-4000-6442-7**

Franklin Delano Roosevelt was possibly the greatest figure of the twentieth century and his wife Eleanor Roosevelt according to some polls was the most influential woman in American history. Together this couple helped to guide the United States through the great Depression and a devastating World War.

Author historian Joseph E. Persico offers a compelling biography of Roosevelt focusing on the major women in the President’s life. Persico, author of the acclaimed *Roosevelt’s Secret War*, theorizes that one way that one can get to know the historical Roosevelt is through his relationships with many women who sustained, advised, and relaxed him in so many different ways. Driven hard throughout his career by his hard-nosed mother Sarah and his accomplice wife, Roosevelt’s closest friendships and professional relationships included a number of other remarkable women including Lucy Rutherford, Missy LeHand, and Margaret Suckley. Persico’s ability to obtain a raft of previously private papers from the estate of Lucy Rutherford allows a portrait of her long and very deep romance with the President that began during his days as Assistant Naval Secretary during World War I to the very day that he died.



Persico’s study of Franklin and his women makes for very enjoyable and compelling reading.





# Augusta County Historical Society

## 2008 Archival Accessions

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- 2008.1 Beverley Manor Teacher's Contract (circa 1870). Donated by Katharine Brown.
- 2008.2 Jed Hotchkiss map of Augusta County (1870). Donated by Richard McLaughlin.
- 2008.3 Collection of 41 books. Donated by Elizabeth Hawpe.
- 2008.4 Collection of 12 books. Donated by Lot's Wife Publishing.
- 2008.5 2 CDs; one of organ music and one of Faith Lutheran Church Choir. Donated by Bob Moody.
- 2008.6 Augusta Bird Club: Scrapbooks, Bulletin Collections, minutes of meetings, history. Donated by Mary E. Vermeulen.
- 2008.7 1 book. *Johannes "John H." Garber – His Descendants in the Shenandoah Valley*. Donated by Wayne Garber.
- 2008.8 1 book. *The Light Still Shines Celebrating 70 Years as Shenandoah Valley Electrical Cooperative* (2006). Donated by Shawn Hildebrand.
- 2008.9 *Historical Atlas of Augusta County* by Jed Hotchkiss (1885). Donated by Victoria T. Murphy.
- 2008.10 Photographs and family papers related to Charles P. Tanner, manufacturer of tin products in Staunton. Donated by Gertrude Hogarth.
- 2008.11 Map of Augusta County produced by the Office of the County Road Engineer (Jan. 1, 1932). Donated Joe Johnson.
- 2008.12 1 book; *Seeking Our Ancestors, Family Histories Compiled by James Slater Murphy* (2007). Donated by Victoria Murphy
- 2008.13 1 pamphlet. *Glossbrenner Memorial United Methodist Church 1877-1977* and 1 typed copy of indenture for purchase of church land (May 23, 1826). Donated by Mrs. George Thacker.
- 2008.14 5 CDs containing index of people buried in Thornrose Cemetery. Donated by Judith M. Boyers.
- 2008.15 Photograph of party in Highland Park (circa 1900). Donated by Justice George Cochran.
- 2008.16 Collection of diaries and seed catalogs from the estate of Ms. Hester Kerr. Donated by the Frontier Culture Museum.



- 2008.17 17 items. Collection of books, scrapbooks, voting registers, account book of Dr. James M. Watson, Hanger Family Bible, and set of oral history tapes. Donated by the Augusta County Library
- 2008.18 1 book. *The Virginia Indian Heritage Trail* (2007). Donated by the Virginia Foundation for the Humanities.
- 2008.19 1 book. Minutes of the Montgomery Hall Park Committee, 1947-1969 and two CDs containing digital copies of the book. Donated by James Becks.
- 2008.20 1 manuscript. "A Place Called Ladd" by Randall N. Lohr (no date). Donated by Randall Lohr.
- 2008.21 Collection of hymn books, schoolbooks, letters, ledgers, etc. from the home of Irvin Rosen of McKinley, Va.. Donated by Nancy Sorrells.
- 2008.22 1 book. *Annals of Augusta County* by Joseph Waddell (1886). Donated by Fred Ergenbright.
- 2008.23 6 postcards. Two of Camp Belmont and 4 of Endless Caverns. Donor unknown.
- 2008.24 7 sheets of paper regarding the genealogy of the Bradfords and the Starkes. Donated by T. Lackey.
- 2008.25 Photograph of William Bean Moomau. Donated by Peggy Batten.
- 2008.26 1 book. *Following the Tradition* by Gordon Barlow (2007). Donated by Gordon Barlow.
- 2008.27 Augusta County Telephone Books (1986-1987) and one Smith's Transfer 50<sup>th</sup> anniversary commemorative leaflet. Donated by Karen Church.
- 2008.28 Cemetery census and map for St. James Lutheran Church and CD of papers in the binder. Donated by Henry Pannell.
- 2008.29 1 book. *Our Early American Kinkeads* by Miriam J.K. Hendricks (2007). Donated by Patricia Thompson.
- 2008.30 1 book. *God Blew and They Were Scattered* by Genevieve T. Arbogast (2008). Donated by Genevieve T. Arbogast.
- 2008.31 Shenandoah Valley Folklore Slide Series. Donated by Linda Petzke
- 2008.32 7 issues of "Virginia Magazine of History and Biography" published by the Virginia Historical Society. Donated by Richard Hamrick.
- 2008.33 2 books. *The Negro's Civil War* and *Battle Cry of Freedom* both by James M. McPherson. Donated by Marshall Coiner.
- 2008.34 2 planning calendars (1947 & 1948), letters and memorabilia of Mary Louise Quarles. Donated by Melissa Davidson.



- 2008.35** Day books and other records of Rosen Funeral Home (1927–1977). Donated by Richard and Thomas Hamrick.
- 2008.36** *Alexander Hugh Holmes Stuart 1807-1891; A Biography* by Alexander F. Robertson. SMA Yearbook for 1922-23; Garden Week booklets (2000-2003, 2005-2008); Margaret Collins obituary and eulogy; various news paper clippings; photograph of bicentennial event at Trinity Church (1981). Donated by Mary Beirne Nutt.
- 2008.37** "The Great Unappreciated Man:" A Political Profile of Alexander H. H. Stuart of Virginia. Master's thesis written by Scott Harris (1988). Donated by Scott Harris.
- 2008.38** 3 books. *Staunton, Virginia, Its Past Present and Future* by Armistead C. Gordon (no date); *A History of Roads in Virginia*, (no author) produced by the Virginia Department of Transportation, 2006; "Staunton's 'Other Park;' Montgomery Hall in the Jim Crow Era." Study guide produced by Woodrow Wilson Birthplace. No date. Donated by Mike McCray.



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## Augusta County Historical Society & Augusta County Genealogical Society Family Heritage Program

The Augusta County Historical Society joins with the Augusta County Genealogical Society to offer with pride a family heritage recognition program for those whose family roots extend to the early years of the county, and who wish to submit their line of descent to complement the growing archives of the two societies.

Three types of membership in Augusta Pioneers are recognized. *First Families of Augusta County* is the membership category for those whose ancestors settled in the county in the period from its founding in 1738 (or before) to the year 1800. *Pioneer Families of Augusta County* is for those whose forbears settled in Augusta County in the nineteenth century, that is between the years 1801 and 1900. *Junior Pioneers of Augusta County* recognizes young people from the cradle to age eighteen who are descendants of First Families or Pioneer Families.

If you believe that you are qualified to be an Augusta Pioneer or if you would also like to enroll young family members—children, grandchildren, nieces and nephews—simply send in the form below to receive the application. Completed applications will be checked and then certified by the societies' boards that you have been accepted for membership in either First Families of Augusta County, Pioneer Families of Augusta County, or Junior Pioneers of Augusta County. The application genealogy files become a part of the archives of the Augusta County Historical Society and the Augusta County Genealogical Society and will be made available to family researchers.

All members will receive a handsome matted certificate of membership, suitable for framing. Membership in Augusta Pioneers is a one-time recognition that lasts a lifetime. Once the initial application fee is paid, there are no annual dues assessed. The fee for membership in Augusta Pioneers is a flat \$50 for descent from one ancestor. Additional ancestors may be added for \$20 each. The junior member enrollment fee is \$20. Upon reaching the age of eighteen, junior members can elect to pay the additional \$30 to become full-fledged members.

\_\_\_\_ Yes! I am interested in becoming a member of the Augusta County Family heritage Program Please send the official application form and instructions for its completion to:

Name \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_  
Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
e-mail \_\_\_\_\_

Please note that you may also print this same form from our website  
**[www.augustacountyhs.org](http://www.augustacountyhs.org)**

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# AUGUSTA COUNTY HISTORICAL SOCIETY 2008

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